



City of Manzanita

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## **STAFF REPORT**

**TO:** Manzanita Planning Commission

**FROM:** Walt Wendolowski, Contract Planner

**SUBJECT:** Planning File – Highlands Subdivision Phases 3 & 4

**DATE:** May 10, 2021

### I. BACKGROUND

- A. **APPLICANT:** Pine Grove Properties, Inc. (Owner - James P. Pentz).
- B. **PROPERTY LOCATION:** The property is approximately located at the northeast corner of the intersection of Classic Street and Necarney City County Road. There is no site address and the County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #100. The property is also identified as Tract "E" of Highlands 2.
- C. **PARCEL SIZE:** The subject property contains approximately 36.33 acres.
- D. **EXISTING DEVELOPMENT:** The vacant subject area fronts two public streets and public services are available.
- E. **ZONING:** The parcel is zoned Special Residential/Recreation Zone (SR-R). The property is not located within identified overlay zones.
- F. **ADJACENT ZONING AND LAND USE:** Property to the east and southeast is located in Tillamook County and designated R-2 and RMD respectively. The R-2 lands are primarily vacant while residential homes and lots occupy the RMD designated lands. All remaining adjacent property is zoned SR-R and contains a mix of open space and residential development.
- G. **REQUEST:** The applicant is requesting approval to create a 23-lot Subdivision on a portion of the subject parcel.
- 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 3.030.

## II. APPLICATION SUMMARY

- A. The applicant wishes to subdivide a portion of Tax Lot 100 into 23 lots. The development is identified as Highlands 3 and 4 and is a continuation of Highlands 1 and 2. The layout is organized as follows:
1. A new street – Meadows Drive – will run north from Highlands Drive and serve all 23 lots. Public facilities serving the project will be installed within Meadows Drive.
  2. Highlands 3 starts at the south end of the Meadows Drive and includes Lots 30 to 42. The lots range in size from 6,325 to 8,428 square feet.
  3. Highlands 4 starts approximately midway along Meadows Drive and includes Lots 43 to 52. The lots range in size from 6,325 to 8,997 square feet.
  4. There is an open space area identified as Tract “G” that effectively separates the two phases.
  5. The applicant intends to develop the lots with single family homes, and requested the lots be reviewed under the R-3 zone development provisions [Section 3.030(4)(b)].
- 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.
- C. This is somewhat of a hybrid application. While the primary focus is on the subdivision layout, Ordinance 95-4, Section 3.030(4)(c) requires the City to review the application under the planned development provisions in Section 4.136. Therefore, the report will begin with the planned development procedures and conclude with an analysis of the subdivision.

## III. PLANNED DEVELOPMENT PROVISIONS

- A. Planned development procedures in Section 4.136 are used to evaluate development proposals in the SR-R zone. Applicable provisions are reviewed in the following subsections:
1. Section 4.136.1., reviews the purpose of a planned development. Briefly, a "planned development" permits the application of greater freedom of design in land development than may be possible under a strict interpretation of the provisions of this Ordinance.

FINDINGS: Highlands will be developed in a variety of phases which is evident by the creation of several “tracts” – this project is part of Tract “E”. The developer will have options for higher density development, mixed with commercial activities in subsequent phases. However, the purpose of this request is to simply create a subdivision to allow development of single-family homes.

2. Section 4.136.2., establishes the following standards and requirements:

- (a) A planned development may include any uses and conditional uses permitted in any underlying zone. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards that most nearly portray the character of the zone in which the greatest percentage of the planned development is proposed.
- (b) The developer may aggregate the dwellings in this zone in "cluster" or multiple- dwelling structures so long as it does not exceed the density limits of the Comprehensive Plan.
- (c) Assurances such as a bond or work agreement with the City may be required to insure that a development proposal as submitted is completed within the time limit agreed upon by the developer and the commission.

FINDINGS: In compliance with item “(a)” above, the proposal would establish lots for single-family homes. This use is allowed per Section 3.030(2)(a). The applicant chose not to proceed with a cluster development allowed in item “(b)”, instead chose to develop the site as a conventional subdivision, subject to the development standards of the R-3 zone. Bonding, per item “(c)” is an option available to the City to ensure development of the site.

C. Section 4.136.3, addresses the planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development:

- (a) An applicant shall submit 10 copies of a preliminary development plan to the Planning Commission and notify all property owners within 250 feet of the proposed development by mail.

FINDINGS: The material submitted as part of the subdivision application complies with submittal provisions in this Section. Notice was also provided to area property owners per provisions in this Section.

- (b) Prior to discussion of the plan at a public hearing, the City Manager shall distribute copies of the proposal to appropriate City agencies or staff for study and comment.

FINDINGS: Per this item, said plans were distributed prior to the meeting.

- (c) The Planning Commission shall consider the preliminary development plan at a meeting, at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the Planning Commission shall seek to determine that:

- (1) There are special physical conditions of objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.

FINDINGS: This application was submitted as a conventional subdivision, subject to development requirements of the R-3 zone. Therefore, there are no special conditions that require a departure from standard ordinance requirements.

- (2) Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage.

FINDINGS: Ordinance 95-4 implements the City's Plan and appropriately zoned the site for residential uses along with other compatible activities. The subdivision and proposed single-family development are consistent with this intended use.

- (3) The area around the development can be planned to be in substantial harmony with the proposed plan.

FINDINGS: Single-family residential development is the primary development activity in the vicinity. This project is therefore consistent with these existing uses, and, likely future development of the Highlands development.

- (4) The plan can be completed within a reasonable period of time.

FINDINGS: The final plat must be recorded within one year of the final date of approval. This will ensure the site will be available for development within a reasonable time period.

- (5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

FINDINGS: Meadows Drive is adequate to serve the proposed 23-subdivision lots. Additional improvements, such as additional street width, were not requested by Public Works Department.

- (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

FINDINGS: Compliance with this provision will be determined when engineering plans are submitted. For the record, a final plat cannot be recorded unless the applicant's submitted engineering plans comply with City public works and engineering standards.

- (d) The Planning Commission shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.

FINDINGS: This is a procedural requirement, whereby the decision and any conditions of approval are determined at the Commission hearing and the applicant is formally notified by the City.

- (e) Following this preliminary meeting, the applicant may proceed with his request for approval of the planned development by filing an application for an amendment to this Ordinance.

FINDINGS: It appears the purpose of this provision is to identify the site as a planned development on the City's zoning map (see item "(g)" below). In effect, this requires an approved tentative plat to be submitted, reviewed and eventually recorded.

- (f) In addition to the requirements of this section, the Planning Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.

FINDINGS: Ultimately this is the Commission's decision. If so approved, staff provided a list of recommended conditions at the end of this report.

- (g) An approved planned development shall be identified on the zoning map with the letters PD in addition to the abbreviated designation of the existing zoning.

FINDINGS: The City assumes this responsibility if the request is approved and the plat recorded.

- (h) Building permits in a planned development shall be issued only on a basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this Ordinance.

FINDINGS: Development of these lots will require submittal and recording of a final plat. For the record, no lots can be sold or building permits issued until the final plat is recorded. Recording of the plat also certifies the layout complies with City Public Works requirements.

#### IV. 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 Commission 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: The application includes two distinct phases. Each phase will be platted separately.

- 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: Discussions with the Public Works Department indicate services can be provided to the site. However, there is an issue with the sufficiency of water to meet the fire-flow requirements. At this juncture the site can served although additional improvements such as a reservoir or pumping station may be necessary. For the record, platting cannot occur until engineering plans are approved by the City.

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

FINDINGS: Based on the results of a pre-application conference, the City Manager did not require additional supplemental information.

- 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: Meadow Drive will be platted and provide access to all lots. A connection will be made to Highland Drive on the south, and eventually, Meadows Drive will tie-in to a new street to be developed on the north.

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 Meadow Drive improvement will conform with the City's street width and improvement requirements. 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 Meadow Drive forms a “T” intersection with Highlands Drive to the south, and a planned but unnamed street to the north. Both intersections are more than 200-feet from existing adjacent intersections.

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: Except for constructing Meadow Drive to serve both phases, 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: Both “T” intersections comply with the angle requirement in this subsection.

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: There are no existing streets adjacent to or within the subject property that require additional right-of-way dedication.

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: As Meadows Drive is effectively a dead-end road. The Public Works Department did not identify a need to include reserve strips.

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 layout does not include a cul-de-sac. However, the Meadows Drive does dead end on the north side. For this reason, the developer will be required to construct a suitable turn-around for emergency vehicles. This will not be an issue as the applicant owns the land directly adjacent to the subdivision. The improvement plans must be included on submitted engineering plans.

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: Based on the submitted plan, slopes were identified as being less than 15%. However, Public Works did not identify any limitations or issues with constructing a street in conformance with the requirements in this subsection.

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 as Meadows Drive is not an arterial street.

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: While the responsibility lies with the Commission, it is suggested the proposed street name be reviewed by local emergency service providers to ensure there are no conflicts.

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 include private streets.

- H. Section 40 includes provisions for utility easements.

FINDINGS: The submitted subdivision plan includes 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 and is generally rectangular in shape. Given the relative size, widths and right-angles of the lot lines, suitable building sites are available.

Per provisions in Section 3.030(4)(b), the tentative plat indicates the lots will be developed to R-3 zone requirements. Regarding requirements of the R-3 zone [Ordinance 95-4 Section 3.020(3)] the minimum lot size is 5,000 square feet; the minimum lot width is 40-feet (60-feet for corner lots); and, the minimum lot depth is 90-feet. All lots comply with the minimum lot area and depth requirements. All lots comply with the minimum width requirement except for corner Lots #42 and #48. These two lots contain a width dimension less than the required 60-foot minimum. However, there is more than sufficient area and width on the adjacent lots 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 generally at 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 and Public Works commentary, 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: The subdivision is limited to a portion of Tax Lot 100, leaving large vacant areas available for redevelopment. However, this portion of the project is also identified as Tract "E" indicating a prior approval to develop the entire site over several phases as opposed to a single unified project.

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, and the existing subdivision lots within the general vicinity, 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. However, development of the individual lots remains subject to all provisions in Ordinance 95-4, including addressing any wetland, geological or similar constraints.

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 and platting of the subdivision.

#### V. PUBLIC IMPROVEMENTS

- A. Preliminary discussions identified two primary development issues for the site. First, Highland Drive supplies access to the Meadows Drive but is not fully improved. The applicant requested the Public Works Department to consider allowing a gravel road improvement for Highland Drive instead of a paved surface. This recognizes additional development is likely to occur over time and the road may be realigned to accommodate new development. This could be acceptable provided adequate bonding is in place to ensure the eventual paving of Highland Drive.
- B. A second issue are provisions for adequate fire flows for residences on Meadows Drive. There may be a variety of ways to accommodate fire district requirements: pipe size, pump stations, reservoirs, the use of sprinkler systems or some combination of these. Again, at this juncture the development can be served. This issue regarding fire flows is an engineering one and must be addressed prior to submitting the final plat. As with paving, adequate bonding may be required to ensure any required construction.

#### VI. 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 (including a turnaround area on the north end of Meadows Drive), 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 be subject to the following:
1. install public and private services within the subdivision as well as required off-site improvements. Street improvements shall include the turn-around area on the north end of Meadows Drive. All improvements shall comply with the standards and requirements of the City of Manzanita and the Nehalem Bay Wastewater Agency.
  2. The applicant shall have the option of installing facility improvements in phases provided the City approves engineering plans for the entirety of Highlands 3 and 4 and approves the engineering phasing plan.
  3. The City may require adequate bonding to ensure the public facilities are installed. Bonding agreements shall be on forms acceptable to the City.
- 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 Lots #42 and #48 complying with the 60-foot minimum corner lot dimension requirements.
- E. City review and recording of 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 Zone (R-3), and other applicable development provisions, contained in Ordinance 95-4.
- G. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

## VII. 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.