



STAFF REPORT

TO: Manzanita Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Planning File – Highlands #1, Phase 3 & 4
DATE: September 9, 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. **REQUEST:** The applicant requested approval to create a 23-lot subdivision. The Planning Commission approved this request, with conditions, at their August 16, 2021 meeting. The applicant is now returning for final plat approval.
- G. **DECISION CRITERIA:** This application will be evaluated against the following: Manzanita Ordinance 95-5, Section 20.
- H. **SUBMITTED MATERIAL:** In addition to the staff report, the application includes the following documents:
 - 1. Final Plat Application
 - 2. Highlands 2108 - Sheet 1
 - 3. Highlands 2108 - Sheet 2
 - 4. Highlands 2108 - Sheet 3
 - 5. Highlands 2108 - Sheet 4

II. CRITERIA AND FINDINGS – FINAL PLAT

- A. The Planning Commission approved the creation of a 23-lot single family subdivision. This subdivision is part of a large project and was identified as Highlands Subdivision Phases 3 and 4. Pursuant to provisions in Ordinance 95-5, Section 14, the applicant must return with the final plat within one year of the final decision. The submitted final plat complies with that requirement.
- B. Section 20, of Ordinance 95-5, states “(T)he Planning Commission shall examine the plat to determine whether it conforms with the tentative plan and with all changes permitted and all requirements imposed as a condition of its acceptance.” If it does not comply, the Commission can direct the applicant to make necessary changes. If the plat conforms to all requirements, the Commission may approve the final plat subject to appropriate bonding of the improvements.
- C. The Commission approval was for two separate phases, 3 and 4. Phase 3 contained 13 lots while Phase 4 contained 10 lots for a total of 23 lots. The applicant is returning with a single plat incorporating both phases to be known as Highlands Phase 3. Nothing in Ordinance 95-5 prohibits the combining of phases into a single plat. Therefore, this review addresses the 23-lot combined Phase 3 and Phase 4.
- D. Also note, the final plat is being submitted as a “re-plat”. In effect, Tract “E” of the original proposal is being further divided into subdivision lots. This is consistent with state requirements.
- E. The final decision included a number of conditions. Compliance with these conditions is reviewed below:
1. Condition 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.

FINDINGS: Based on communication with the City Public Works Department, the applicant coordinated plan with affected agencies prior to submitting engineering drawings.
 2. Condition 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.

FINDINGS: Engineering plans were submitted and ultimately accepted.

3. Condition 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.

FINDINGS: Ordinance 95-5 does not require improvements to be in place prior to recording a final plat. The applicant is currently constructing the improvements, and when the plat is recorded, bond for any unfinished work. This is acceptable as the improvements are in place prior to occupancy.

4. Condition 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.

FINDINGS: Based on Sheet 2 of the final plat, the proposal conforms to tentative plat approved by the Planning Commission Requirements in Conditions D are met.

5. Condition E. City review and recording the final plat shall be subject to applicable provisions in the Manzanita Ordinance 95-5.

FINDINGS: This report and Commission review are consistent with this Condition.

6. Condition 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.

FINDINGS: This Condition applies only to the development of the individual lots. This is enforced through the building permit process.

7. Condition G. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

FINDINGS: This Condition places responsibility of the applicant to complete the requirements and is not directly related to the final plat layout.

III. RECOMMENDATION

- A. The primary issue is to ensure the final plat is in substantial conformance with the tentative plat. Per Section 20, the Commission has the authority to direct the applicant to make the necessary changes to conform with the decision. As the final plat is identical to the proposal, no changes are required.
- B. The only issue is one of facility improvements. It is staff's recommendation that the Planning Commission grant tentative approval to the final plat subject to the following:
 1. Comply with Condition "C" and complete the improvements, bonding for any unfinished work at the time of recording the final plat.
- C. In effect, this action will allow construction to continue until completion; or, to such time the developer is prepared to bond, thereby allowing the plat to be recorded. This is consistent with the Ordinance requirements. Further, staff believes compliance with this item can be addressed administratively, and upon completion, the final plat will be available for the Chair's signature.