



## *City of Manzanita*

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### **STAFF REPORT**

**TO:** Manzanita Planning Commission  
**FROM:** Walt Wendolowski, Contract Planner  
**SUBJECT:** Planning File – Manzanita Market Design Review  
120-day Extension  
**DATE:** September 13, 2021

#### I. BACKGROUND

- A. **APPLICANTS:** Chung & Judy Lee.
- B. **PROPERTY LOCATION:** The site address is 193 Laenda Avenue.
- C. **ZONING:** Commercial (C-1) and High Density Residential/Limited Commercial (R-4).
- D. **REQUEST:** The applicants requested approval of a Design Review to expand the Manzanita Market; a Variance to expand a Nonconforming Use; and, Subdivision request to consolidate three lots.

This request was originally heard on August 16, 2021 and continued to the September 20 meeting to address parking concerns. The applicant is now requesting the a 90-extension to the 120-day time limit.

- E. **EVALUATION CRITERIA:** Ordinance 95-5 Section 10.220 – Final Action on Application.

#### II. APPLICATION SUMMARY

- A. The Planning Commission first heard the application at their August 16, 2021 meeting. Based on comments made at the meeting, the Commission agreed to end public testimony and continue the hearing until September 20, 2021 to allow the applicant to submit additional information related to parking.
- B. The owners' representative contacted the City and requested a 90-day extension to the 120-day time limit. Per Section 10.220:

*The City shall take final action on an application for a permit or zone change within 120 days of the receipt of a complete application. The 120-day period does not apply to an amendment to the Comprehensive Plan or Zoning Ordinance, or the adoption of a new land use regulation. At the request of the applicant, the 120 period may be extended for a reasonable period of time.*

- C. This is a reasonable request and allows time for the applicant to revise the application, if needed. The applicant is aware they are responsible for any additional public notice costs. Further, any substantial change will require the submittal of a new application, including application fee.
- D. Regarding the 120-day period, the application was deemed complete on June 22, 2021. It was originally scheduled to be heard at the July 19 meeting but was postponed at the request of the applicant. The first hearing on this case was August 16, at which time the applicant requested a continuation. The continuation effectively tolls the 120-day clock (Ordinance 95-5 Section 10.110.B.7). At most, the application is 55-days into the 120-day time period, and likely less depending on when the original request to postpone the July hearing was submitted. In short, the City has sufficient time to process the application within the 120-day time period.
- E. There are no decision criteria in place that provide guidance on this issue. The 90-day request is a “reasonable period of time” to address development issues with the site.