



CITY OF MANZANITA

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BEFORE THE PLANNING COMMISSION OF THE CITY OF MANZANITA ORDER

APPLICANT: Pine Grove Properties, Inc. (Owner - James P. Pentz).
LOCATION: Township 3 North; Range 10 West; Section 29D; Tax Lot #100;
Section 29AD; Tax Lot #200; and Section 28; Tax Lot #1401.
ZONING: Special Residential/Recreation Zone (SR-R) and Medium Density
Residential Zone (R-2).
REQUEST: Final Plat Approval Highlands Phase 5.

The above-named applicant applied to the City for Final Plat approval of a Subdivision (Highlands Phase 5) to establish 15-lots. The public hearing on the above request was held before the Planning Commission on November 21, 2022.

THE PLANNING COMMISSION OF THE CITY OF MANZANITA HEREBY ORDERS that the Highlands 5 Subdivision Final Plat request be APPROVED and adopts the findings of fact and Conditions of Approval in Exhibit A attached hereto and by this reference incorporated herein.

This ORDER may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 20 days of the date specified below. A request for appeal, either as a de novo review or review on the record, must contain the items listed in City Ordinance 95-4, Section 10.160 and may only be filed concerning criteria that were addressed at the initial public hearing. The complete case is available for review at the office of the City Recorder, 543 Laneda Avenue, Manzanita, Oregon.

Date: 12-01-2022

City of Manzanita Planning Commission

Karen Reddick Yurka, Chair

EXHIBIT A

I. BACKGROUND

- A. APPLICANT: Pine Grove Properties, Inc. (Owner - James P. Pentz).
- B. PROPERTY LOCATION: The property is approximately located at the north end of Seaview Drive and Meadows Drive. Necarney City County Road border the site along the south (Township 3 North; Range 10 West; Section 29D; Tax Lot #100; Township 3 North; Range 10 West; Section 29AD; Tax Lot #200 and Township 3 North; Range 10 West; Section 28; Tax Lot #1401).
- C. MAPPED AREA: 64.18 acres.
- D. EXISTING DEVELOPMENT: The vacant subject area fronts two public streets and public services are available.
- E. ZONING: Special Residential/Recreation Zone (SR-R) – Tax Lot 100; Medium Density Residential (R-2) – Tax Lot 1401; and Commercial (C-1) – Tax Lot 200.
- F. REQUEST: The Planning Commission approved the creation of a 30-lot subdivision at their January 24, 2022, meeting (Highlands Phases 4 and 5). The applicant is now returning for final plat approval for Phase 5.
- G. DECISION CRITERIA: This application will be evaluated against the following: Manzanita Ordinance 95-5, Section 20.

II. CRITERIA AND FINDINGS – FINAL PLAT

- A. The Planning Commission approved the creation of a 30-lot single family subdivision. This subdivision is part of a large project and was identified as Highlands Subdivision Phases 4 and 5. The applicant received final plat approval for Phase 4 of the project. The applicant now seeks final plat approval for Phase 5. 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, 4 and 5. Previously the Commission approved a modified Phase 4 containing 15 lots. The change includes the addition of a Tract "M". This change was necessary as a portion of the original Lots 81 and 82 required the annexation of a portion of Tax Lot 1401. Now that Tax Lot 1401 is located within the City, Phase 5 contains the remaining 15 lots of the subdivision - Lots 68 to 82. Tract M is associated with the remainder of Tax Lot 1401.

D. Also note, the final plat is being submitted as a "re-plat". In effect, Tract "E" of the original Highlands proposal is being further divided into subdivision lots. This is consistent with state requirements.

E. The final decision included several 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: The City Public Works Department indicated the applicant coordinated the 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 Seaview Drive 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 Seaview Drive and 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 project and approves the engineering phasing plan.
3. If acceptable to the City, the applicant shall have the option of bonding for facility improvements prior to recording a final plat. This does not prohibit the City from otherwise requiring adequate bonding to ensure completion of facility improvements. Bonding agreements shall be in a form acceptable to the City.

FINDINGS: Ordinance 95-5 does not require improvements to be in place prior to recording a final plat. Public Works noted the applicant completed the utilities, water, sewer, and storm water and the 8" road base is complete. The contractor is waiting to complete the gutters, 4" finish grade, asphalt, signage, and gravel shoulders to complete the streets. Asphalt plants are shut down for the season. Paving will likely have to wait until spring.

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 the submitted material, the proposal conforms to tentative plat approved by the Planning Commission. Requirements in Conditions D are met.

5. Condition E. City review and recording of 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 underlying requirements of their respective zones.

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. DECISION

- 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. Staff recommended 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. 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, compliance with this item can be addressed administratively, and upon completion, the final plat will be available for the Chair's signature.