

# Sean T. Malone

## Attorney at Law

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July 19, 2021

### Via Email

Manzanita City Council  
PO Box 129  
167 S. 5<sup>th</sup> Street  
Manzanita, OR 97130

Re: Oregon Coast Alliance Testimony in opposition to the appeal filed by Vito Cerelli for the Denial Order dated June 24, 2022 for a 34-unit motel/hotel.

On behalf of Oregon Coast Alliance (ORCA), please accept this testimony for the above-entitled appeal. Because this appeal is on-the-record, the issues identified by the appellant must provide enough information for the public to submit competent testimony. This appeal falls far short of the applicable standard identified in the Manzanita Zoning Ordinance.

### I. The applicant has not identified specific issues for appeal

Section 10.160(C) requires that an appeal of a planning commission decision shall contain “[t]he specific grounds relied upon for review. Simply put, the applicant has not identified “specific grounds.” The appeal should be rejected outright because the applicant failed to identify specific grounds. All but one of the issues for the appeal are a single sentence, and none of them contain the specificity required of the code. The issues for the appeal do not contain specificity to allow the public to understand the applicant’s argument. For example, the applicant alleges that “[i]f the substantive approval criteria of MZO 4.136(3)(c) apply to this application, the Planning Commission’s findings of non-compliance are not supported by substantial evidence properly in the record.” The obvious problem is that the single-sentence appeal does not contain specificity as to how the findings are not supported by substantial evidence<sup>1</sup>. The applicant is also incorrect. For this reason alone, the City can refuse to address

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<sup>1</sup> The applicant makes a basic error in alleging that there is substantial evidence in the record. Substantial evidence review is the standard of review before LUBA, not the City. The relevant standard to satisfy the burden of proof here is preponderance of evidence. This is a common mistake amongst land use practitioners.

those appeal issues the City Council determines were not raised with sufficient specificity. Moreover, the failure to abide by the requirements of MZO 10.160(C) prejudices ORCA's substantial rights by not allowing ORCA a full and fair opportunity to present testimony because the appeal issues are vague and generalized.

2. Response to Appeal issue 1: "The Planning Commission erred in treating the application as one for approval of a planned unit development. The application is for development of a 34-unit motel or hotel, which is an allowed use in the SR-R zone."

MZO 3.030(4)(c) plainly requires that "[t]he Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Unit Development) in order to evaluate development proposals in this area." Petitioner does not explain in its appeal statement, with specificity, how the plain language of MZO 3.030(4)(c) compels any different reading. In addition, ORCA also notes that Manzanita code does not, apparently, include any definition of "hotel," which makes a need for greater scrutiny of this application, concerning whether it could even meet code requirements.

3. Response to Appeal issue 2: "The Planning Commission erred by wrongfully accepting and relying upon evidence and testimony submitted by third parties other than the applicant, after the public hearing was closed."

Without further specificity, it is impossible to understand what evidence is at issue, or who submitted the evidence. This appeal issue should be dismissed because it lacks specificity to allow the public and the City Council to understand what evidence is at issue.

4. Response to Appeal issue 3: "The Planning Commission failed to properly follow the procedures applicable to this application under MZO 4.136(3)."

Again, this issue lacks specificity to determine what procedure was allegedly not correctly followed. MZO 4.136(3) contains numerous provisions, and ORCA can only guess at what the applicant is intending to address. The reason for "specificity" in the appeal statement is so that the public need not guess at what issue is on appeal. This failure prejudices the substantial rights of ORCA, and other concerned participants in this process, to fully and fairly participate in the appeal hearing.

5. Response to Appeal issue 4: "The Planning Commission erred in applying the substantive approval criteria for a planned unit development in MZO 4.136(3)(c) to the application."

This is yet another appeal issue that is not clear on its face because the appellant failed to make specific allegations. The problem is that the allegation is conclusory, and the appellant has not identified why applying the approval criteria in MZO 4.136(3)(c) is inconsistent with some

other provision of law, whether local code, administrative rule, or state law. The public should not have to guess at the intentions of an appellant when the burden was on the appellant to include specificity in the appeal issues. That failure should result in the dismissal of all those issues that do not include specificity.

6. Response to Appeal issue 5: “If the substantive approval criteria of MZO 4.136(3)(c) apply to this application, the Planning Commission erred in directly applying Comprehensive Plan provisions to the application, in violation of ORS 197.195(1) and other applicable law.”

As an initial matter, ORCA notes that this application has not been determined to be an outright use, and therefore a limited land use decision, a conditional use, or some other kind of permit. The city staff report, dated March 10, 2022, simply says, “The applicant is requesting approval of a Planned Unit Development to construct a hotel complex.” In point of fact, parts of the application may be an outright use, while others are definitely conditional uses, e.g., the proposed “community building.” Manzanita code sec. 3.030, governing the SR-R zone, explicitly allows certain conditional uses, subject to the provisions of Article 5, which governs Conditional Uses. “Community meeting building” is one of the listed conditional uses. *See* Sec. 3.030 (3)(d).

The City properly incorporated its Comprehensive Plan provisions into the City’s land use regulations, as allowed for all discretionary land use decisions, and also explicitly allowed by ORS 197.195(1) for limited land use decisions. The Manzanita code has clearly done both for the Planned Unit Development ordinances. *See* MZO 4.136(3)(c)(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.”). ORS 197.195(1) requires that for limited land use decisions a local government must by September 29, 1991,

“incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.”

Here, the City complied with this provision, and incorporated the Comprehensive Plan into its discretionary land use decision-making as well, making the decision to apply all applicable comprehensive plan provisions pursuant to MZO 4.136(3)(c)(2). There is no violation of ORS 197.195(1) or other applicable law.

7. Response to Appeal issue 6: “If the substantive approval criteria of MZO 4.136(3)(c) apply to this application, the Planning Commission's findings of non-compliance are not supported by substantial evidence properly in the record.”

The applicant alleges, broadly, that the findings for a large provision of the code, with numerous components, lacks substantial evidence. The applicant does not identify any specific findings or demonstrate in any meaningful manner what evidence is at issue. As with virtually every appeal issue save one, this failure prejudices the substantial rights of ORCA and others to fully and fairly participate in the appeal hearing.

8. Response to Appeal issue 7: “The Planning Commission erred in finding that the applicant's materials submitted in support of the application were inadequate and did not provide sufficient detail for the Commission to determine if the applicable approval criteria were met.”

For the appellant’s issue alleging error because the applications did not provide sufficient detail, the appeal issue provides no further specific detail. The appellant is referring broadly to its “materials submitted in support of the application,” but does not present any argument for which ORCA can present a response. Again, this failure prejudices the substantial rights of ORCA to fully and fairly participate in the appeal hearing.

9. Only one issue was presented with sufficient detail to allow the public to respond

The applicant has not presented a serious list of issues for appeal, which is consistent with the vague and fragmentary application that was submitted to the City. In fact, only a single issue for appeal is discernible, and the City Council should dismiss all appeal issues that lack specificity because the applicant’s failure prejudices ORCA’s (and other concerned parties who provide testimony) substantial rights to present its testimony and full and fair hearing. The one issue specifically presented, potential violation of ORS 197.195 (1), has clearly *not* been violated by the city, as discussed above.

10. Adoption of ORCA’s prior testimony

ORCA adopts its prior testimony, dated June 16, 2022. Specifically, ORCA submits that this application should not have been deemed complete in the first instance. Regardless, the failure to prepare a serious application and accompanying materials presents numerous opportunities to deny the appeal. The City is obligated to utilize the standards of area, density, lot coverage, storm runoff, open space, and other requirements that portray the character of the SR-R zone. *See* Manzanita code Sec. 3.030 (4). These requirements were not followed. The application must **also** include all the standards required of the Planned Unit Development ordinance, which applies to developments in the SR-R zone. *See* Manzanita code Sec. 4.136 (3)(c). The application contained several abysmal failures to meet code requirements for an application of this type: grading and drainage patterns, geologic hazards study, water supply and




sewage disposal, relation of the proposed development to the Comprehensive Plan, among others. *See* Manzanita code Sec. 4136 (3)(a).

Moreover, the City cannot defer compliance on these standards to a later time when the public has no opportunity to address those issues, unless the City conditions that further compliance on a process that allows public comment and an opportunity to appeal. The City must hold the applicant to all relevant standards, as outlined in ORCA's initial letter in opposition to the application. However, as noted above, the applicant has almost entirely failed to raise issues with specificity for this on-the-record appeal, and, therefore, the City Council need only address the one issue raised with specificity.

ORCA therefore respectfully requests that City Council deny this appeal for failure to raise issues with specificity as required by Manzanita ordinances, and for failure to provide an application that meets the Manzanita code's requirements for an application in the SR-R zone, in which the applicant in this instance failed to bear the burden of proof.

In the alternative to denial ORCA requests that City Council leave the record open for seven more days for further testimony.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean Malone", with a large, stylized initial "S" and "M".

Sean T. Malone  
Attorney for Oregon Coast Alliance

Cc:  
Client

**From:** [Bill Gumpenberger](#)  
**To:** [Hans Tonjes](#); [Jerry Spegman](#); [Linda Kozlowski](#); [cityhall](#); [Mike Scott](#); [Steve Nuttall](#)  
**Subject:** Manzanita Lofts Traffic  
**Date:** Tuesday, July 19, 2022 11:59:55 AM

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Manzanita City Council

PO Box 129

Manzanita, OR 97130

TO: Manzanita City Council

Ref: Traffic Dorcas/Classic Intersection

In reviewing the traffic analysis submitted to the planning commission it is evident that none of the 3 companies submitting reports visited the site.

Since I live 1 block away and on the opposite side of the 5<sup>th</sup> green of the golf course from the proposed hotel, I decided to do my own traffic count and here are the results.

Monday July 18, 8 am to 9 am, 56 vehicles passed thru this intersection. Correlates to 448 for an 8-hour workday. 3 never stopped.

Ahrend's report estimates 309 daily trips which would be 68% of what I estimate an 8-hour workday count would be.

Tuesday July 19, 8 am to 9 am, 82 vehicles passed thru this intersection. Correlates to 656 for an 8-hour workday. 8 never stopped.

Ahrend's report estimates 309 daily trips which would be 47% of what I estimate an 8-hour workday count would be.

I am no traffic engineer, but it appears the proposed project will greatly impact the traffic flow of this intersection.

Another issue in the Mobley report is the following statement:

Mobley requires that from the south edge of the Dorcas roadway that 14' 6" of vegetation be cleared for 280' for sight distance.

Has Manzanita Links agreed to this? It is their property being discussed.

This is the wrong location for this project as designed.

Bill Gumpenberger  
610 Division Ct  
Manzanita, OR 97130  
[bgumpenberger@hotmail.com](mailto:bgumpenberger@hotmail.com)

## Building

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**From:** cityhall  
**Sent:** Monday, July 18, 2022 3:45 PM  
**To:** Leila Aman  
**Cc:** Nina Aiello  
**Subject:** FW: Concerned Manzanita Citizen

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**From:** Bonnie Savickas <bonniesavickas@yahoo.com>  
**Sent:** Monday, July 18, 2022 3:25 PM  
**To:** cityhall <cityhall@ci.manzanita.or.us>  
**Subject:** Concerned Manzanita Citizen

Dear Council Member -

As local legislators, council members are RESPONSIBLE

for and RESPONSIVE to the citizens who elected them. I'm sure it's become apparent at this point how many Manzanita residents feel about the PLACEMENT OF THE 34 unit hotel - we realize hotels/restaurants provide revenue for our small town but the location on a pristine golf course across from a residential community is a BIG NEGATIVE for many of us living here along with negative affect of increased traffic on Dorcas winding onto 4th PL! We have now posted a PLEASE SLOW DOWN sign in our yard @ this very dangerous curve on 4th Place. Many cars have actually ventured up onto our lawn & it's very common to see people jumping off the road to get out of harms way of speeding cars! We thank the Planning Commission for listening to our concerns & unanimously agreeing this project did not meet City code & denying it from moving forward.

Every golf course, from Augusta National to our Manzanita Golf Course, has a signature hole. It's **the hole you remember a year after playing it**. The one with the gorgeous view, the severe elevation change - QUESTION? Have any current council members (who we elected to represent & keep Manzanita beautiful) been up to our SIGNATURE HOLE on Manzanita Golf Course? Newsflash - it the #5 hole you want to allow a 34 unit hotel to overlook! Yes now envision this hole void of our beautiful pines & ferns -NOW open ur eyes to hotel balconies/cabins hanging off these beautiful cliffs - cars lining these narrow streets - party anyone - well there will be plenty of these along with our golf hole & cliff being strewn with debris!

You think not - this is no exaggeration. I have been a real estate broker for over 25 years in the most gorgeous retirement communities imaginable Sedona AZ & Bend OR & many are leaving! I have seen these quaint communities built out/trees removed/hotels & tall buildings erected not to mention the added traffic! What is the end result???? Build it & they will leave!!!! I can guarantee u it will happen - progress & traffic destroyed these 2 beautiful communities!

Recently Manzanita was named one of the BEST small beach towns. "This is truly one of the quieter, creative and scenic towns on the Oregon coast, which in my opinion makes it the top of the best Oregon beach spots." The important points are SMALL & QUIET and we would like to keep it that way!

All of you were voted into your positions because we believed you cared about maintaining the lifestyle of our small quaint community!

Many of us living in Manzanita have shared with you our frustration over the location of this structure and we hope you are

listening & will RESPECT OUR REQUESTS TO MAINTAIN MANZANITA'S BEAUTY & CHARM for this is why we chose this incredible place to live!

Respectfully  
Bonnie & Dan

## Scott Gebhart

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**From:** Erikson <kay1bob@comcast.net>  
**Sent:** Monday, July 18, 2022 4:15 PM  
**To:** cityhall; Leila Aman  
**Cc:** mscottt@ci.manzanita.or.us; lkozlowski@ci.manzanita.or.us; Steve Nuttall; Hans Tonjes; Jerry Spegman  
**Subject:** Proposed hotel on Dorcas and Classic

First of all we would like to commend the Planning Commission for listening to the residents of Manzanita and thoroughly reviewing the proposal by the developer for a 'hotel' on Dorcas and Classic Street. And as a result it was unanimously decided it did not meet the City's code and was denied.

There are many concerns we have regarding the development of a 'hotel': traffic, unattended property, parking, Manzanita being able to accommodate the number of people that will stay there, the golf course, wet lands and so much more. We have decided to only address our concerns about the traffic.

We live on Jackson Way over looking Classic Street and a view of the 5th hole of the golf course and see the dangers everyday. It feels as if it is only a matter of time until something serious occurs. The major safety issues that would be created by a hotel at the cross roads of Dorcas and Classic Street are extremely concerning. Foot traffic on both roads is heavy with cyclists, dog walkers, joggers, people walking to and from town and the beach would be at risk with increased traffic this project would cause. The Planning commission, as well as concerned citizens, voiced numerous other safety concerns. With no sidewalks you have to move over to the nonroad area for cars, trucks, campers etc. to pass by. This is already a dangerous situation and will only worsen with another driveway in and out of the hotel. Please consider residents and people considering retiring in Manzanita because it is a safe neighborhood environment.

Bob and Kay Erikson

## Scott Gebhart

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**From:** Rob and Sharon <manzanitaoregon@gmail.com>  
**Sent:** Monday, July 18, 2022 10:20 PM  
**To:** Leila Aman; Mike Scott; Linda Kozlowski; Hans Tonjes; Steve Nuttall; Jerry Spegman  
**Subject:** LAND USE HEARING, July 19, 2022 – APPEAL OF 698 DORCAS AVE, OUR COMMENTS  
IN RE THIS APPEAL

- First, we find it interesting that, after the many Planning Committee meetings in which the Applicant was involved, the attorney for the Applicant attempts to find fault with "treating the application as one for approval of a planned unit development." (See (1) in his letter). This objection, whether valid or invalid in a court decision in the future, was apparently not brought up at the beginning of the planning process or at anytime during the Commission's deliberations.
- During Planning Commission testimony, this was brought up: "City has no definition of hotel, motel or community building. It was asked if the development would count as 36 short-term rentals." In actuality, we have a semantics problem here. It seems to us a bit of hopeful "marketing" to use the moniker "hotel". We would call it 36 closely packed short-term rentals. "Chapter 699 — Innkeepers and Hotelkeeper, 2021, EDITION, **Under ORS 699.005 Definitions, (4) (b) With which the services normally offered by hotels, including but not limited to daily or bidaily maid and linen service, a front desk and a telephone switchboard, are provided, regardless of the length of occupancy of a person. [1979 c.125 §2; 1979 c.856 §6; 2017 c.213 §3]**" (emphasis ours). This is what most of us expect from a hotel. If we travel and check into a hotel, it will have the services "normally offered by hotels"!
- Planning Commission conclusion 3 (b), "Based on testimony and presented evidence, the Commission finds the proposed hotel incompatible with area activities that are dominated by recreational (golf course) and residential uses. This conclusion is based on the amount of traffic generated by the site and potential traffic impacts on the local street system. Further, the Commission heard testimony indicating the size of the hotel (accordingly the largest in the city) is incompatible with area development. On balance, the Commission found the proposal did not comply with the applicable Comprehensive Plan Policies." We concur with this, (3) (c) and the rest of the findings of the Planning Commission.

We trust that you will also concur with the findings of Manzanita's very experienced Planning Commission, with all their hard work over many months and support fully the conclusions that have been finalized. If you, as the City Council, agree with your trusted Planning Commission and deny the appeal, the Applicant always has the ability, of course, to petition the Oregon Land Use Board of Appeals.

Robert and Sharon Borgford  
Manzanita

July 18, 2022

Denise Lofman  
PO Box 206  
Manzanita, OR 97130  
[dlofman@yahoo.com](mailto:dlofman@yahoo.com)

City of Manzanita Mayor and City Council  
VIA EMAIL: [mscott@ci.manzanita.or.us](mailto:mscott@ci.manzanita.or.us); [lkozlowski@ci.manzanita.or.us](mailto:lkozlowski@ci.manzanita.or.us);  
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[lanan@ci.manzanita.or.us](mailto:lanan@ci.manzanita.or.us); [cityhall@ci.manzanita.or.us](mailto:cityhall@ci.manzanita.or.us);

RE: Manzanita Lofts Planned Unit Development Appeal Criteria

Dear Manzanita Mayor and City Council:

Tonkin Torp, on behalf of the applicant, Vito Cerelli, and the landowner, Manzanita Lofts LLC, list the following seven criteria as reasons for their appeal. These grounds for appeal are extremely thin and without legal merit. I will comment on each criteria specifically below.

1. The Planning Commission erred in treating the application as one for approval of a planned unit development. The application is for development of a 34-unit motel or hotel, which is an allowed use in the SR-R zone.

This is an inaccurate description of what the code requires.

Section 3.030 Special Residential/Recreational Zone, SR-R states:

(2) Uses Permitted Outright. In the SR-R zone the following uses and their accessory uses are permitted outright: (h) Motel, hotel, including an eating and drinking establishment in conjunction therewith.

(4) Standards. In the SR-R zone the following standards shall apply: (c) The Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Development) in order to evaluate development proposals in this area.

The use of the word *shall* in (4) above clearly shows that the Planning Commission did not err in using MZO 4.136 criteria to evaluate the proposed development. The process is specifically required by code.

2. The Planning Commission erred by wrongfully accepting and relying upon evidence and testimony submitted by third parties other than the applicant, after the public hearing was closed.

The Manzanita Lofts Planning Commission hearing record was left open from March – June 2022. The record was never closed, and testimony was properly accepted as the hearing was continued from month to month, and was properly relied on by the Planning Commission in reaching its findings and decision.

Hearing notices for the Planning Commission hearing were provided in March and June, and each included the following language:

Anyone desiring to speak for or against the proposal may do so in person or by representative at the hearing. Written comments may also be filed with the City of Manzanita prior to the public hearing. Written comments can be sent to [planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us). Or by mail at PO BOX 129, Manzanita, OR 97130. All comments must be received prior to the public hearing to be included in the record.

The March and June Hearing Notices are attached so as to be included as part of the record.

3. The Planning Commission failed to properly follow the procedures applicable to this application under MZO 4.136(3).

It is true that MZO 4.136 was not adequately followed, as the developer did not provide details required in the code in his application. It is not the fault of the Planning Commission that the application did not include all the required materials.

Below is the procedural language in the code itself. The applicant did not include Statewide Wetland Inventory (SWI) wetlands in his site plan, the project is within the Beaches and Dunes Overlay Zone and requires a geologic hazard study which was not included in the application, nor were plans for water supply or sewage disposal. The applicant did not address how the proposed development would fit into the surrounding golf course or residential neighborhoods or address concerns related to the Comprehensive Plan.

MZO 4.136 3. Planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development: The preliminary plan shall include the following information:

- (1) A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands.
- (6) Geologic hazards study where required.
- (7) Proposed method of water supply and sewage disposal.
- (8) Relation of the proposed development to the surrounding area and the Comprehensive Plan.

The use of the word *shall* is used again and again in MZO 4.136 and these PUD requirements fully apply to the Manzanita Lofts proposal. It is disingenuous to suggest that the Planning Commission failed to properly follow procedures when the incomplete application is the fault of the developer.

4. The Planning Commission erred in applying the substantive approval criteria for a planned unit development in MZO 4.136(3)(c) to the application.

As you will see below, the PUD criteria in MZO 4.136(3)(c) uses the word *shall* three times. It then follows that since a hotel/motel is an allowed use in the SR-R zone and Section 4.136 is used to evaluate proposed development, all of Section 4.136(3)(c) applies.

MZO 4.136(3)(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. (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. (3) The area around the development can be planned to be in substantial harmony with the proposed plan. (4) The plan can be completed within a reasonable period of time. (5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area. (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

5. If the substantive approval criteria of MZO 4.136(3)(c) apply to this application, the Planning Commission erred in directly applying Comprehensive Plan provisions to the application, in violation of ORS 197.195(1) and other applicable law.

Based on the code language quoted below, the Planning Commission shall apply the Comprehensive Plan or zoning to these issues, as well as other potential topics that are relevant to the project and the Planning Commission's decision. This is a requirement of the code.

MZO4.136(3)(c) The Planning Commission shall seek to determine that (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.

6. If the substantive approval criteria of MZO 4.136(3)(c) apply to this application, the Planning Commission's findings of non-compliance are not supported by substantial evidence properly in the record.

There exists substantial evidence in the record of non-compliance, including expert testimony regarding the applicant's traffic report from Greenlight Engineering and multiple letters from citizens, neighbors and other stakeholders that adequately and precisely detail where Manzanita code is not being met. It is the decision makers' responsibility to review and weigh this evidence in the course of reaching a decision. The Planning Commission conducted a serious and comprehensive review before courageously and unanimously denying the application.

7. The Planning Commission erred in finding that the applicant's materials submitted in support of the application were inadequate and did not provide sufficient detail for the Commission to determine if the applicable approval criteria were met.

Please see criteria 3 above for a list of materials that were required by code and not submitted by the applicant. Additional requirements that should have been provided at the outset, but were provided in later hearings after extensive public testimony asking for this information, included the wetland delineation, a stormwater drainage plan, and a vague, incomplete two page traffic report.



The Planning Commission followed the rules of the ordinance precisely, the applicant did not provide all the required materials, and materials he did provide lacked details and specificity.

The applicant did not meet the burden of proof and the Planning Commission fulfilled its duty and obligation to use its discretionary judgement to deny the proposal.

City Council has the same duty and obligation and must uphold the Planning Commission's decision based on the evidence before you.

Please place this testimony and the enclosed hearing notices into the record for this matter.

Sincerely,  
Denise Lofman

Enclosures: Manzanita Lofts Hearing Notices for March and June 2022

July 18, 2022

Denise Lofman  
PO Box 206  
Manzanita, OR 97130  
[dlofman@yahoo.com](mailto:dlofman@yahoo.com)

City of Manzanita Mayor and City Council  
VIA EMAIL: [mscott@ci.manzanita.or.us](mailto:mscott@ci.manzanita.or.us); [lkozlowski@ci.manzanita.or.us](mailto:lkozlowski@ci.manzanita.or.us);  
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[laman@ci.manzanita.or.us](mailto:lanan@ci.manzanita.or.us); [cityhall@ci.manzanita.or.us](mailto:cityhall@ci.manzanita.or.us);

RE: Manzanita Lofts Planned Unit Development

Dear Manzanita Mayor and City Council:

The Planning Commission spent hours reviewing materials submitted by the applicant as well as testimony from neighbors for the Manzanita Lofts project. They are to be commended for their courageous decision to unanimously deny the application based on the many concerns raised by citizens. The issues are directly linked to how the project is not in compliance with the City's zoning ordinances. The record is already full of testimony, and on Tuesday you will hear from a chorus of citizens who have documented how this project does not meet code. Together, we have given you multiple reasons why you must uphold the Planning Commission's decision and deny the project.

As a neighbor with a family home directly across the street from the proposed entrance to the Manzanita Lofts project, I have a number of concerns, both ones I have brought up before in earlier letters included in the record in March, April, and June, and others that were never adequately addressed by the Staff Report, the City Contract Planner, or the applicant. Some of these issues were directly stated by the Planning Commission in their decision to deny the project.

As City Councilors, you have the duty to exercise your discretionary judgement to say the application does not include all the information that code requires and neighbors have asked for. Here's just a short list of what I have identified is missing or incomplete:

- Studies have not been done,
- infrastructure and utility plans have not been provided,
- the wetland delineation is not approved,
- dwelling standards have not been applied,
- density standards have not been applied,
- traffic issues have not been settled, despite the milquetoast traffic "study" the applicant provided,
- issues regarding the use of the community building are not settled, and
- the applicant has made no effort to address safety, liability, and playability concerns that come from building directly adjacent to a golf course.

Make the applicant do what he is required to do by law, which is bear the burden of proof to meet code requirements.

Below, I go into more detail regarding most of the issues listed above.

## **WETLANDS**

The applicant for the Manzanita Lofts project has been in contact with the Department of State Lands (DSL) and has submitted a wetland delineation for the freshwater emergent wetland on Tax Lot #2100. The delineation submitted to DSL states that there is no wetland on the property. The applicant stated at the May 16, 2022 Planning Commission meeting that he has 99.5 percent confidence that what he has submitted will be approved by the State, that DSL's approval is a given. He has argued that there are no wetland issues to be addressed on this site, and that everyone should just move on.

I strongly disagree. As a professional, working in wetland/watershed restoration and land use planning on the North Coast for almost 20 years, I bring experience and knowledge to this topic. I also work closely with wetland professionals who have completed wetland delineations in sandy soils in Cannon Beach and Manzanita where there are inventoried wetlands and it can appear that there is no wetland. Yet, the wetland does, in fact, exist. Delineations in these areas with sandy soils require extra care and expertise, because although the area lacks typical wetland indicators and characteristics, the area remains a wetland. These wetlands, like the one on tax lot #2100, are difficult and problematic wetlands to delineate.

The submitted wetland delineation (see attached) states that it uses Routine On-site Determination (p. 2) and makes no mention of the consultant utilizing Chapter 5: Difficult Wetland Situations in the *Western Mountains, Valleys, and Coast Region of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* at this site. Therefore, the wetland question is not yet settled. DSL staff are experts in identifying these problematic issues in sandy soils and will provide guidance and assistance to the applicant regarding this question. However, the timelines for review, revision and final approval will likely be longer than the applicant wishes for them to be.

Section 3.090 Wetlands Notification Overlay Zone in Manzanita City Code is quite old. It has not been updated since March 1996 and has not kept up with Oregon statutes regarding wetlands. It still clearly states no work shall be allowed on a site if it is in the Wetland Notification Overlay Zone. The Wetland Overlay Zone does not seem to be available on the zoning map on the City's website. However, if a wetland, like this one, is on the Statewide Wetland Inventory, it requires a Wetland Land Use Notification to DSL and DSL is requiring a wetland delineation from the applicant, that alone must trigger Manzanita Zoning Code Section 3.090 Wetlands Notification Overlay Zone.

Until the applicant has a final approval from DSL regarding the wetland delineation, it must be included on the site plan per Section 4.136 3(a)(1) Planned Development Procedure. "The following procedures shall be observed in applying for and acting on a planned development: The preliminary plan shall include the following information: (1) A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands." The wetland is not currently shown on the site plan.

The wetlands issue is not settled and remains a critical concern that the City Council must consider in its review of this project. The Council must ensure that the City is following its own code and Oregon statute regarding wetlands. Based on Manzanita City Code, no site preparation, no removal of vegetation, no land clearing or construction activities shall occur at the project site until the wetland delineation is approved by DSL and if a wetland is on the site, both DSL and Army Corps of Engineers permits are issued to the applicant. I strongly encourage the Council to deny approval of this project and have the applicant return after he has an approved wetland delineation from DSL and any required permits from both DSL and the Army Corps of Engineers. The Staff Report asserts that the PUD approval is simply for the layout of the project. If this is the case, it does not make sense to approve the project while it is waiting for a final delineation as the applicant may need to revise the layout of the buildings to avoid building within the wetland.

### **GOLF COURSE SAFETY, LIABILITY, & VEGETATION**

The City must carefully consider the safety and liability burden the approval of this project will bring to both the golf course and the City. I had concerns after one of the Planning Commissioners brought up the issue of the number of golfers who slice to the right from the t-box of the fifth hole at the May 16, 2022, Planning Commission meeting. The applicant had very little to say to address this safety issue, other than to mention that houses and hotels are built on golf courses all the time and it would not be a problem. I then asked my husband, who golfs Manzanita Links regularly, how often people slice at the fifth hole t-box. His answer echoed the Planning Commissioner comments: this happens all the time.

After reading the letter from Manzanita Links which laid out a number of additional concerns the golf course has with the project, I decided to call the owner of the golf course to ask if the applicant had reached out to discuss these concerns. As of the evening of June 17, 2022, he had not. We then spoke a bit about liability when golf balls cause damage to property or people. I learned that usually developments along golf courses are created by the owners of the courses, so they are planned for and developed in a way that will reduce safety concerns and liability. This project is not doing that. The applicant has not even given a courtesy heads up to the golf course regarding this development. Given the height of the t-box and that fact that the majority of golfers will slice to the right at this location, this development is being proposed in a location that is dangerous and unsafe. When damage is done by a golf ball to people or property, but especially people, everyone is sued. And there will be lots of golf balls flying into this development.

Manzanita Lofts has the potential to create a significant liability for the golf course, individual golfers, and eventually, the City, because it allowed the project even after this concern was raised by multiple people, including a Planning Commission member, and was not adequately addressed in the review process. I am sure the City would want to be cautious about approving a project that directly increases liability for a neighboring property owner and perhaps for the City itself. As a taxpayer, I certainly want the City to be cautious about this. I recommend that this may be a topic that the senior City Attorney must review before going forward. What is the City going to require of the development to limit this liability and provide safety for guests and their property (i.e., vehicles)?

Manzanita Links is a beloved golf course, the locals are particularly protective of it, which is why, after years of operating at a loss, citizens and the City came together to find a creative way to save it and have worked with the new owner to make it a viable and vibrant recreational business in our community. The proposed development increases the chances the golf course will be sued multiple times and is another example of impacts that the applicant insists on foisting upon his neighbors. Do not allow this to continue.

This issue, like many others I have raised in my letters, must be addressed now and not allowed to linger until it becomes a big problem sometime in the future after a guest at Manzanita Lofts is hit in the head. Knowledgeable people can see physical injuries are a real, ongoing concern, as is property damage. Deal with this issue now. The City needs to take a hard look at what the safety issues will be at this site, including flying golf balls and making sure guests, children, and pets are not allowed on the course. Require the applicant come up with a plan to address these issues prior to approving this project. One of the first things the applicant could do is schedule a meeting with the golf course owner or his staff to discuss concerns and potential solutions.

I then asked about vegetation and tree removal on golf course property, as the much of the tree canopy along the fifth green rests on golf course property, and this existing canopy blocks the proposed development's view to the west. The trees at the end of the green along Dorcas were also a concern of mine. I learned all trees on golf course property are protected under the conservation easement the City holds and is required by law to enforce.

The traffic study submitted by the applicant suggest trimming vegetation along Dorcas to create sight lines to the west of 280 feet. However, I'm sure the Council is already aware that the vegetation in that location protects homes, vehicles, and people along Dorcas from rogue golf balls. As a homeowner directly across the street from the fifth green, I find numerous golf balls in my front yard, as do my neighbors, and we do not want the trees or vegetation removed in that area as it provides adequate, if not complete, protection.

## **COMMUNITY BUILDING**

The community building is a conditional use according to code. I raised the issue in my spoken testimony at the June Planning Commission meeting and outline my comments again below.

The June 10, 2022 Staff Report states:

2. The second component is an approximate 2,963 square foot community building for meetings or gatherings. Of this total, approximately 1,300 square feet will be under cover and include a kitchen and identified "bar" area. The outdoor patio includes a fire pit. This building is located directly south of the 19 hotel units. For the record, this building will not contain a restaurant. The building design is attached as "Community Building".

Section 3.030 Special Residential/Recreational Zone, SR-R (3) Conditional Uses Permitted states, "In an SR-R zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 5 [Conditional Uses]. (d) Community meeting building."

In Section 4.136 Planned Unit Development (PD), 2. Standards and Requirements.

The following standards and requirements shall govern the application of a planned development in an area in which it is permitted. (a) A planned development may include any uses and conditional uses permitted in any underlying zone.

Under Article 5 Conditional Uses, Section 5.040 Church, Meeting Hall, Community Center, Health Facility or Retirement Home.

A church, meeting hall, community center, health facility, or retirement home may be authorized as a conditional use after consideration of the following factors: Sufficient area provided for the building, required yards, off-street parking; site location of the site relative to the service growth needs; site location relative to land uses in the vicinity; and adequacy of access from principal streets, together with the probable affect on traffic volumes of abutting and nearby streets. The primary structure or related buildings shall be at least 30 feet from a side or rear lot line.

This Conditional Use has been completely ignored in both the application and Staff Report. Additionally, the community building on the current site plan is not at least 30 feet from a side or rear lot line, but rather somewhere around 15 feet.

This is just one more example where discretionary judgement and the ability of the City to comprehensively follow its own code is being disregarded and dismissed. Please take the time to review these issues and enforce Manzanita Code criteria.

## **DWELLINGS AND DENSITY REQUIREMENTS**

I want to reiterate that the SRR standards require the applicant and City to address dwelling and density standards in Section 3.030 Special Residential/Recreational Zone, (4) Standards. In the SR-R zone the following standards shall apply: (a) Overall density for the SR-R zone is 6.5 dwelling units per gross acre. (c) The Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Development) in order to evaluate development proposals in this area.

The Staff Report completely ducks this issue. But given the lack of any hotel/motel land use definitions or standards in Manzanita code and that at least nine of these units are defined as “nine additional rental units” that are built like homes, not hotel or motel rooms, as well as the six micro cabins, all of which meet the definition of a dwelling in code, this issue must be addressed.

The Planning Commission, in its findings, determined at least some of the proposed units are dwellings and determined that triggers density requirements. At least nine of the units, maybe more, specifically meet the definition of dwelling in Manzanita code. I disagree with the Contract Planner that because it is a commercial project, the definition of dwellings does not apply. I find it particularly curious that the applicant himself is using “dwellings” on his site plan for nine units to count parking spaces. Additionally, in his initial site plan, submitted for the March 21, 2022, Planning Commission meeting, there are dashed lines to signify possible partitions of these nine units as homes. The Staff Report for the March meeting states, “Phase 2 includes the 1,000 square foot cottages. The submitted plan includes possible property lines (dashed lines) for a possible future partitioning of the property.” What exactly is the intent here? A partitioning of nine

“dwellings” not “hotel rooms” in the future? If these buildings are to be partitioned in the future to be dwellings, aren’t they dwellings now?

### **MANZANITA CITY CODE AND HOTELS/MOTELS**

I cannot find the definition of a hotel or motel in Manzanita City Code. There is no information about how a hotel/motel is sited or operated. I realize these questions are then answered at the state level, but the Oregon Revised Statutes are surprisingly limited on this topic. This creates a huge loophole, allowing the development to be basically a cluster of short-term rentals (STRs) that are called a hotel.

It is surprising the City has nothing to guide hotel development in the City code, and so the language regarding standards for development in Section 3.030 Special Residential/Recreational Zone, SR-R (2) (4) Standards (c) “The Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Development) in order to evaluate development proposals in this area” are the only standards that can be applied to this project.

Given this project is the largest of its kind in 40 years and is being placed in the middle of residential neighborhoods, it seems like these standards must be fully applied, ensuring the applicant has fully met all code before the project is approved.

### **PLANNED UNIT DEVELOPMENT CRITERIA ORDINANCE 95-4 SECTION 4.136**

I also want to address what I see as significant issues in the Staff Report. A Planned Unit Development is not just a simple plan showing the layout of a development as the Staff Report claims. The Planned Unit Development criteria listed in Ordinance 95-4 Section 4.136 requires detailed information (geotechnical report, utility plans, a complete and comprehensive traffic study, etc.) that has not yet been provided. Instead, the Staff Report basically says these things will be addressed later. By not following both the letter and spirit of the code and requiring detailed plans and drawings for the entire project now, the Contract Planner is seeking to eliminate Council’s understanding of its discretionary power, framing the decision as a vague overarching action that has no discretion. He has written the staff report to picture the decision Council has to make as non-discretionary and his portrait is inaccurate, biased towards approval and directly contrary to Manzanita’s ordinance requirements that apply to this application. By pushing all of the details down to staff level non-discretionary decision making, the project and its details become a “done deal” as some City of Manzanita staff like to say.

### **CITY COUNCIL AND DISCRETIONARY JUDGEMENT**

As citizens, we are looking to you to protect this town from overwhelming development and to preserve the livability of our neighborhoods and community. You must uphold the decision of the Planning Commission and deny this project.

The record contains multiple letters pointing out specific places where code has not yet been met and where the comprehensive plan is being ignored. Deny this project. Force the applicant to bear the burden of proof and to produce a complete, detailed application that fully meets the City’s PUD

criteria and allows for the Planning Commission and City Council to exercise its maximum discretionary authority. Do not unknowingly grant this vital responsibility of discretionary judgement to City staff. Uphold the Planning Commission's finding that some units are dwellings and that the density requirements must be addressed. Provide additional time for the wetland delineation and potential wetland permitting to be completed. Yes, a hotel/motel is an outright use in this zone. But by requiring the project to meet very specific PUD criteria, City Code grants you the right and duty to make certain this project is done correctly following the spirit and letter of the zoning code and comprehensive plan.

We are in a very sad state of affairs if over 130 Manzanita residents are signing a letter raising multiple issues with this project and many more are writing their own letters raising issues specifically of interest to them, the Planning Commission spends four months hearing testimony and reviewing evidence and then City Council reverses the Planning Commission's unanimous decision with one short meeting. The Planning Commission spent the necessary time reviewing information and testimony and made their decision based on facts and City code.

Given that the easiest way to reach a bad decision is to rush the decision making process, I request the record be left open for seven days for additional testimony and information. If the City needs more time to complete the public process in an orderly manner, it is obligated to request, in writing, that the applicant grant more time.

Do not fail us, use your discretionary judgement, uphold the Planning Commission's denial of so poorly researched and planned a project.

Please place this testimony and the enclosed wetland delineation into the record for this matter.

Sincerely,  
Denise Lofman

Enclosure: DSL Wetland Delineation# 2022-0331



**From:** Denise Lofman <dlofman@yahoo.com>

**To:** mscott@ci.manzanita.or.us <mscott@ci.manzanita.or.us>; lkozlowski@ci.manzanita.or.us <lkozlowski@ci.manzanita.or.us>; htonjes@ci.manzanita.or.us <htonjes@ci.manzanita.or.us>; snuttall@ci.manzanita.or.us <snuttall@ci.manzanita.or.us>; jspegman@ci.manzanita.or.us <jspegman@ci.manzanita.or.us>; laman@ci.manzanita.or.us <laman@ci.manzanita.or.us>; cityhall@ci.manzanita.or.us <cityhall@ci.manzanita.or.us>

**Sent:** Monday, July 18, 2022 at 10:22:46 PM PDT

**Subject:** Manzanita Lofts Hearing - Testimony for the Record

Dear City of Manzanita Mayor and City Council:

Attached are two letters and attachments for the record for tomorrow's hearing for the proposed Manzanita Lofts development.

The first letter discusses specific instances where code has not yet been met by the applicant. I highlight how the applicant is not meeting the burden of proof to produce a complete, detailed application that fully meets the City's PUD criteria. Enclosed with that letter is the applicant's wetland delineation that was submitted to DSL in June 2022.

The second letter is a rebuttal to the seven criteria listed as reasons for the appeal by the applicant's attorney. The criteria are extremely thin and without legal merit. Enclosed with this letter are the two hearing notices for the March and June Planning Commission hearings.

Please place both letters and all enclosures into the record for this matter.

Given that the easiest way to reach a bad decision is to rush the decision making process, I request the record be left open for seven days for additional testimony and information. If the City needs more time to complete the public process in an orderly manner, it is obligated to request, in writing, that the applicant grant more time to the City.

I urge you to review the substantial evidence from citizens and experts showing that the application does not meet the burden of proof and to uphold the Planning Commission's decision and deny the application.

Sincerely,  
Denise Lofman

**From:** Denise Lofman <dlofman@yahoo.com>

**To:** mscott@ci.manzanita.or.us <mscott@ci.manzanita.or.us>; lkozlowski@ci.manzanita.or.us <lkozlowski@ci.manzanita.or.us>; htonjes@ci.manzanita.or.us <htonjes@ci.manzanita.or.us>; snuttall@ci.manzanita.or.us <snuttall@ci.manzanita.or.us>; jspegman@ci.manzanita.or.us <jspegman@ci.manzanita.or.us>; laman@ci.manzanita.or.us <laman@ci.manzanita.or.us>; cityhall@ci.manzanita.or.us <cityhall@ci.manzanita.or.us>

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Sincerely,  
Denise Lofman

## Building

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**From:** cityhall  
**Sent:** Monday, July 18, 2022 7:40 AM  
**To:** Nina Aiello; Leila Aman  
**Subject:** FW: Land Use Appeal 683 Dorcas Lane or 698 Dorcas Lane

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**From:** Sandy Wood <columbiagrover@msn.com>  
**Sent:** Sunday, July 17, 2022 7:51 PM  
**To:** Leila Aman <laman@ci.manzanita.or.us>  
**Cc:** Sandy Wood <columbiagrover@msn.com>  
**Subject:** Land Use Appeal 683 Dorcas Lane or 698 Dorcas Lane

Good morning,

First, the agenda for July 15 has "683 Dorcas Lane", and the notice of public hearing for July 19 has "698 Dorcas Lane". Why the difference?

You have all received numerous letters and emails and discussions regarding the application for a hotel at the corner of Classic and Doris, including one letter with over 130 signatures.

The members of the Planning Commission have received many letters and emails thanking them for their careful, thoughtful, informed decision to deny the application.

Thank you again for your unanimous vote denying the project.

The City Council now has the responsibility to approve or deny the appeal of the Planning Commission's denial.

The community has expressed numerous concerns, mostly unanswered by the applicant, over a five month plus period of time, and three Planning Commission meetings.

His reluctance to reply to those concerns, provide accurate plans and information, and provide the studies needed for the prospective "buildings" show his lack of respect for the process and his lack of confidence in the facts needed by the City of Manzanita and the citizens.

The City of Manzanita Comprehensive Plan has the force of law and overrides other city ordinances.

The citizens of Manzanita's "feelings and concerns are the foundation of decision making."

"If you come to Manzanita, you need to respect and preserve our live-ability" is the principle that the Concerned Citizens of Manzanita have embraced.

The City Council has every right, as well as the duty, "to exercise their discretionary judgement of this project and to deny it for not meeting applicable code."

I hope you will take that obligation seriously and deny this project as well.

Thank you for allowing public input throughout the process.

A Concerned Citizen of Manzanita  
Sandy Wood  
120 Beeswax Lane  
Manzanita

## Scott Gebhart

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**From:** Leila Aman  
**Sent:** Monday, July 18, 2022 5:42 PM  
**To:** Scott Gebhart  
**Subject:** FW: PUD Proposal for Manzanita Lofts

One more.

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**From:** Mary Ruef <mary.ruef.home@gmail.com>  
**Sent:** Sunday, July 17, 2022 10:51 PM  
**To:** Mike Scott <msscott@ci.manzanita.or.us>; Linda Kozlowski <lkozlowski@ci.manzanita.or.us>; Hans Tonjes <htonjes@ci.manzanita.or.us>; Steve Nuttall <snuttall@ci.manzanita.or.us>; Jerry Spegman <jspegman@ci.manzanita.or.us>; cityhall <cityhall@ci.manzanita.or.us>; Leila Aman <laman@ci.manzanita.or.us>  
**Subject:** PUD Proposal for Manzanita Lofts

TO: Manzanita City Council Members and City Manager  
RE: PUD Proposal for Manzanita Lofts

Now that this proposal is before you, the City Council members, I would like as a voting citizen of Manzanita to be on record as opposed to this development. The Planning Commission did their due diligence and did not approve it. I hope that you will take that into consideration.

My previous letters addressed several issues. This time I would just like to comment about traffic issues.

If a traffic consultant would come here in the summer months I believe that the report would be much different than the one presented by Mr. Cerelli. The streets in town are crowded with not just vehicles, but with people. We are lucky that no one has been injured. Classic and Dorcus streets as well as many streets in Manzanita have barely enough room for two vehicles let alone pedestrians. This development is going to exacerbate these conditions no matter how you look at it.

Please carefully consider the proposal and the feedback you have received from the Planning Commission and your fellow citizens of Manzanita.

Respectfully,

Mary Ruef  
355 Jackson Way

July 17, 2022

TO: Manzanita City Council

RE: Appeal of Planning Commission's Decision of Planned Unit  
Development at 698 Dorcas Lane – Vito Cerelli

FROM: Jim Miller, 363 Jackson Way (Classic Street Cottages)

The following are comments I made to the Planning Commission as a part of their deliberation of the Manzanita Lofts application. The Planning Commission seriously considered and weighed the facts in a non-partisan manner regarding the application. They used their discretionary judgment to determine whether the project met the City's code. The Planning Commission's unanimous and courageous decision to deny the project is a positive outcome, responsive to residents' concerns and is to be commended. The Planning commission needs to be publicly thanked for their courage in their decision.

The City Council has the same duty to its residents, to seriously consider the testimony of the residents and to determine the project does not meet City code, the Comprehensive Plan and deny the project. I'm not against a hotel, but it should be put in a more commercial area of the city. Dorcas and Classic is not commercial but a residential area.

I continue to hold the concerns listed below and I want this letter entered into the record.

## **COMMENTS TO THE PLANNING COMMISSION**

The Manzanita Comprehensive Plan states:

The plan overrides other city ordinances, such as zoning, subdivision or other ordinances when there is a conflict."

The plan must have the support of the majority of the community.

The plan is not to be used for the benefit of a few property owners or special interests, but for the city as a whole.

The development of a hotel along Classic Street does not adhere to following goal, objectives, and policy of the Manzanita Comprehensive Plan

Goal: Residual Land Uses is to maintain and create residential living areas which are safe and convenient, which make a positive contribution to the quality of life, and which are harmonious with the coastal environment.

Objective: Maintain livability by preserving within residential areas natural places and other environmental amenities.

Objective: Protect the character and quality of existing residential areas and neighborhoods from incompatible new development.

Policy: The City of Manzanita recognizes the need to conserve open space and protect natural and scenic resources. Planning policies shall be designed to preserve the low intensity character of the community, to promote uses which preserve natural values, such as the presently abundant plant and animal habitat, and to preserve the scenic character of the town.

Please follow the Comprehensive Plan and don't let the zoning codes override what the plan states. Consider the livability and desires of the residents who live in this area of Manzanita.



photo by Pete McDonell



photo by Yvana Iovino

## TRAFFIC

The report on traffic is insufficient. No traffic count was done at the time of the report and even if it had been done the count would not show what it will be like in the summer months when the vacation homeowners are here. I have read that about 75 percent of the homes in Manzanita are vacation homes or short term rentals which I am sure are used much more during the summer months. In addition as the homes in the Highlands (with more anticipated) are finished and occupied considerably more traffic on Classic St. and Dorcas Ln will be created. More traffic will also be created with the State Park expansion. The intersection of Classic Street and Dorcas Ln plus the entrance/exit from the proposed hotel will become an unsafe environment for all traveling by foot and car especially without any sidewalks.

## WETLANDS

The initial Department of State Lands Wetland Delineation Report did not cover the entire tax lots in this application. Only a very small section was covered. The applicant should have checked this out before he even filed an application (Section 4.136 Planned Unit Development and Section 3.090, 2.091, 3.092). To the date of this appeal a complete Department of State Lands Wetland Delineation Report has not been completed and probably will not be for another 4 months, maybe longer. **This appeal must be denied since a completed report has not been provided.**

The following is a response from the Department of State Lands after I asked a question about the wetland area where the hotel is being proposed.

From: EVANS Daniel \* DSL <[Daniel.EVANS@dsl.oregon.gov](mailto:Daniel.EVANS@dsl.oregon.gov)>  
Date: Mon, Jun 6, 2022 at 10:19 AM  
Subject: RE: WD # 2017-0149-Wetlands-report July 18, 2017  
To: Jim Miller <[ducbucln@gmail.com](mailto:ducbucln@gmail.com)>

Hi Jim,

There have been no other studies on the non-investigated portion of TL 2100. Additionally, WD2017-0149 expires on July 18, 2022. If you are also interested in that area, it can be renewed for another 5 years if a reissuance delineation is applied for. This requires significantly less report production and is free to submit to the Agency. Basically, confirming no changes in the previous delineation. The additional area of TL 2100 that you are requiring about would require a full and complete wetland delineation in order to be evaluated, it can't be "added in" to a reissuance delineation.

Regards,

**Daniel Evans, PWS**

Jurisdictional Coordinator

*Columbia, Clatsop, Marion, Polk, Tillamook, Yamhill,*

[Oregon Department of State Lands](#)

## **COMMENTS ON THE STAFF REPORT**

### **IV. PLANNED UNIT DEVELOPMENT PROVISIONS**

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

#### **FINDING:**

Site topography places most of the structures below residential uses to the east thereby limiting visual impacts.

Further, as a hotel with a limited number of units, the use is generally residential in nature which also promotes compatibility with the area.

#### **COMMENTS:**

I disagree with this assumption.

The homes directly adjacent to Classic Street in the Classic Street Cottages will easily be able to view the hotel units, hear the noises and smell the smoke from the firepits. Guests will be coming and going from the hotel a lot more than residents come and go from their homes.

The hotel is not generally residential in nature and is not compatible with the area.

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

#### **FINDING:**

Traffic study report

**COMMENTS:**

I find the report on traffic to be insufficient. No traffic count was done at the time of the report and even if it had been done the count would not show what it will be like in the summer months when the vacation homeowners are here. I have read that about 75 percent of the homes in Manzanita are vacation homes or short term rentals which I am sure are used much more during the summer months. In addition as the homes in the Highlands (with more anticipated) are finished and occupied considerably more traffic on Classic St. and Dorcas Ln will be created. More traffic will also be created with the State Park expansion. I believe the intersection of Classic Street and Dorcas Ln plus the entrance/exit from the proposed hotel will become an unsafe environment for all traveling by foot and car especially without any sidewalks.

Item D. Development standards in the SR-R zone are found in Section 3.030(4). Each item is reviewed below:

**FINDING:**

Wetlands

**COMMENTS**

Since a Department of State Lands Wetland Delineation Report was never provided covering the entire property, approval must NOT be given to this hotel (STR?) proposal until a new Wetland Delineation is completed and reviewed by the Planning Commission and by the citizens of Manzanita. If approval is given without the report, the citizens of Manzanita will NEVER be given the opportunity to express their opinions on any changes required by the report since another meeting will NEVER be held. Which will mean the loss of citizen involvement as specified in the Comprehensive Plan.

Thank you for your consideration and time to read this.

Jim Miller





July 16, 2022

City of Manzanita City Council  
P.O. Box 129  
Manzanita, OR 97130

RE: Manzanita Lofts Transportation Impacts

Greenlight Engineering has been asked by Concerned Citizens of Manzanita to evaluate the transportation related impacts of the proposed Manzanita Lofts development in Manzanita, Oregon.

We have reviewed the applicant's April 7, 2022 Manzanita Lofts PUD Traffic Analysis (hereafter referred to as the "Traffic Analysis"), the May 6, 2022 Lancaster Mobley letter ("Mobley letter"), the May 26, 2022 site plan and the May 9, 2022 staff report.

We previously submitted a letter dated June 20, 2022.

**Approval Criterion Requires an Adequate Transportation System**

At the June 20, 2022 Planning Commission hearing, the city planner advised the Planning Commission that it is not possible for the city to require off-site roadway improvements of the developer.

The responsibility of the city is to make a decision based upon the requirements of the code. If the city cannot find that "The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area" as required by section 4.136.3 of Ordinance 95-4, then the city has an obligation to 1) require the necessary improvements to ensure this criterion is met or 2) deny the application. If the city finds that the needed improvements to meet that criterion are not legal to require, that does not compel the city to approve the application, but instead compels the city to deny the application.

In our June 20, 2022 letter, we pointed out the potential off-site inadequacies at the US 101 intersections that have not been addressed in any way.

Additionally, the city's Downtown Transportation Plan adopted a Classic Street cross section from Laneda Avenue to Necarney City Road which includes "A 40-foot-wide right-of-way. Two 12-foot-wide travel lanes (24-foot-wide roadway), 6-foot-wide landscaped buffer and 10-foot-wide shared bicycle/pedestrian path." The development's Classic Street frontage is not compliant with this adopted roadway cross section. Improvements to this street are certainly not considered to be "off-site" as they occur on the development's frontage and therefore "on-site." However, there is no discussion in the record about this needed improvement.

### **Driveway Proximity to Classic Street/Dorcas Lane Intersection**

In addition to the possible sight distance issues at the proposed site driveway to Dorcas Lane, the proposed driveway is located approximately 50 feet west of Classic Street. As noted in our previous letter, the applicant has not provided any traffic count information nor any quantitative analysis of the Classic Street/Dorcas Lane intersection or the site driveway. There is evidence that the applicant's traffic engineer hasn't observed traffic near the site.

The proximity of this driveway to this intersection with unknown traffic counts could certainly be problematic that could worsen as the city continues to grow. The applicant's traffic impact study estimates that the proposed development will generate 309 trips on a typical Saturday. While it does not appear that the city has any specific access spacing standards (how close an access can be to an existing access or intersection or between access points), this driveway will generate the daily traffic volume equivalent of approximately 30 single-family residential homes.

A spacing of 50 feet from an intersection would certainly be appropriate for a single-family residence by most agency access spacing standards on a low volume, low speed residential road. However, in serving a development of this size, the proposed driveway could be problematic. The proximity of the driveway could cause issues for entry and exit to the driveway such as traffic queued at the intersection blocking the driveway and left turn traffic trying to enter the driveway queuing back to the intersection.

It is recommended that the applicant provide an quantitative analysis of the proximity between the site driveway and this intersection.

Sincerely,

Rick Nys, P.E.  
Principal Traffic Engineer  
503-317-4559  
[rick@greenlightengineering.com](mailto:rick@greenlightengineering.com)



July 15, 2022

Manzanita City Council

The Planning Commission voted 7-0 to reject the proposed 34-unit hotel. It is my belief the Manzanita Planning Commission gave careful study and consideration before they turned down the building project. Please also consider that more than 130 Manzanita residents signed a petition letter against the project. Please follow the lead of the dedicated and thorough Planning Commission and do the right thing—turn down this hotel in a residential neighborhood.

After reading and studying the Manzanita's Comprehensive Plan, I would like to point out several overall policies listed in the Plan.

### **Overall Policies**

- 6. The plan must have the support of the majority of the community.
- 7. The plan is not to be used for the benefit of a few property owners or special interests, but for the city as a whole.

### **Plan Adoption and Amendment**

- 3. Explain how the change will serve the public need.  
(Does Manzanita want or need an additional 34 short-term rentals?)

### **Land Use Goal & Objectives**

- 3. Prevent the concentration of uses that would overload streets and other public facilities, or destroy living quality and natural amenities.

Traffic studies estimate an additional 300+ cars would travel down Dorcas Lane. A 5-intersection stop at the corner of Classic and Dorcas Streets would be dangerous. This would certainly destroy the livability quality of those living on or near Dorcas and Classic. Many people in the neighborhood enjoy walking down Dorcas some with children or dogs and many others bike, trying to avoid busy Laneda Avenue.

Barbara A. Lee  
661 Dorcas Lane  
Manzanita, OR 97130

## Building

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**From:** Mathew Goodrich <mathewgoodrich@gmail.com>  
**Sent:** Friday, July 15, 2022 1:35 PM  
**To:** Mike Scott; Linda Kozlowski; Jerry Spegman; Steve Nuttall; Hans Tonjes; Leila Aman  
**Subject:** Classic street Lofts

Mathew Goodrich  
368 4<sup>th</sup> Pl. South  
Manzanita, Or  
97130

### Classic Street Lofts

Dear Mayor Scott, Councilmembers Kozlowski, Nuttall, Spegman, and Tonjes. City manager Aman.

We are blessed to live in a community that has kept unfettered development at bay. I believe the new Classic Street Loft/STR development has pushed development on Classic Street too far and will make the neighborhood around it unlivable in direct conflict with the Manzanita comprehensive plan.

The Manzanita Comprehensive plan should be used in conjunction with City zoning and building codes to clarify the intent of those codes. Zoning is a blunt instrument and is easily exploited if developers are left to interpret the intent of single lines of text as cart Blanc to build whatever they wish. The developer in this case and the contractor the city of Manzanita has hired to interpret these codes have shown a complete disregard for the comprehensive plan, a document written to protect the very soul of our community. The developer has taken the one word that appears in his favor "Hotel" and interpreted it to mean whatever fits his need.

The Manzanita planning commission has done a stellar job weeding out a disingenuous project deceptive in its nature; the Classic Street Lofts are nothing more than thirty-four short term rentals disguised as a hotel.

I believe the Manzanita planning commission has made the right decision by unanimously denying the Classic Street Lofts application. I urge the mayor and council to uphold the planning commission's decision by denying Classic Street Lofts application.

Mathew D Goodrich, resident voter, Manzanita Oregon.

July 15, 2022

Dear Mayor Scott, Councilmembers Kozlowski, Tonjes, Nuttall, Spegman and City Manager Aman,

Please, place these comments into the public record.

A month ago, the Planning Commission rendered a fair and unanimous decision to deny the Manzanita Lofts project. The Planning Commission was correct to deny the application and acted with resolve to uphold their duty to the community.

In reading the full packet of information and speaking to professionals in the field over the past months, I'm unsure why such a sloppy and incomplete application was accepted. The Planning Commission asked more than once for additional materials, which seemed to be materials you'd assume would be necessary, like a traffic study and a complete wetland delineation report for the entire property. Why the application was deemed complete is a mystery but because it was, the 120-day clock is ticking.

The Planning Commission was under pressure to approve an incomplete application with a Staff Report at odds with our Ordinances and our Comprehensive Plan. They didn't falter and did their jobs with exceptional professionalism and used good judgment to come to their decision.

During the Planning Commission's June meeting, Commissioner Jenna Edgington asked the applicant repeatedly about a discrepancy between the number of dwellings shown on the blueprints and what was written in the application's narrative.

It's my understanding that discrepancies like this one become problematic after an approval. This is probably the reason our code **requires** a review of more detailed plans by the Planning Commission before approval.

The blueprint showed more houses than the narrative. This is troubling in a completed application, as was his refusal to believe her.

Likewise, the traffic study submitted by Lancaster Mobley is watermarked "draft" and isn't stamped by an engineer. The City's Traffic Study isn't on letterhead, signed and stamped by an engineer or on letterhead.

According to traffic engineer, Rick Nys of Greenlight Engineering, both these studies are likely not the final versions of the reports and, from the "speculative" wording, that the applicant's engineer has ever visited the site.

Greenlight Engineering found, "substantial evidence that nearby intersections were not studied as part of the Traffic Analysis. There were likewise no traffic counts or

intersection traffic analysis." The updated letter he sent Council reports that the increase in traffic would be consistent with the addition of 30 single-family dwellings.

That's messed up.

Classic Street connects Nehalem Bay State Park, which is growing every year; and the transfer station, where residents from all around go regularly; and the Highlands, which is a huge development with plenty of traffic, all using Classic to go to IGA or the commercial part of Manzanita. We know that more vehicles travel Classic now than in the past. Google maps actually uses Classic as a route into town. We know there are no bike paths or pedestrian paths on that heavily used road. It's likely wrong to assume from the City's Traffic Analysis that, "The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area." Or that, "Volumes are typically low on these streets even during peak season."

That flies in the face of what we experience when we're using that street.

The Planning Commission recognized that both the applicant's and City's Traffic Analysis fell short in providing an evidence based report they could rely on.

The applicant's unwillingness to acknowledge the safety hazards at the golf course's signature hole 5 shows lack of foresight and a disinterest in the wellbeing and safety of his future guests, their vehicles or the dwellings he envisions. There is sure to be liability from damage to vehicles and guests incurred from golf balls on the range.

It's been suggested that the City could be liable in allowing dwellings on the course in that location as other resort towns with golf courses have been in the past.

While the golf course adjoining the site is a successful and beloved open green space that serves residents and visitors alike, the applicant has failed to have even a brief conversation with the golf course owner or manager about his plans. It would seem that a developer interested in the future safety of his guests and a beloved city golf course would have that conversation to benefit both parties.

The City Planner asserts that only basic approval of the overall PUD plan needs to be approved by the Commission and all the details would be dealt with later by staff including, stormwater and water infrastructure, building size and density.

Say what now?

According to code the plans for infrastructure and engineering require detail now so the Commission can fully review them before accepting or denying the application. The Staff Report says it does not. So which is accurate and why?

Does "require" not mean to specify as compulsory? Aren't "shall" and "must" the mandatory language of law?

SR-R code 4.136.2 and 3 reads as follows, "2) Standards governing area, density, yards, offstreet 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.

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

The character of the zone hasn't been defined. That's supposed to happen first.

The SRR zone allows 6.5 dwellings per acre. The Staff Report describes the project as a hotel but our ordinances offer no definition of hotel. From the plans, the "hotel" is made up of what are consistent with the City's definition of "dwellings".

This hotel is 34 dwellings from 350 square feet in size to 1000 square feet with bathrooms, fully functional kitchens--all the amenities of a dwelling.

To be honest, this project is simply a development with 34 short-term rentals and an event space all owned by a single property owner.

When the words we read in these land use documents can be interpreted to mean something we know isn't correct, we lose our faith in the processes and systems of government. When the reality we see and experience around us is denied by the people who hold positions of authority it erodes trust and further divides the community. That's what's happening. It makes a girl feel gaslit.

While we know that the Comprehensive Plan's goals are aspirational, its policies, when written in mandatory language, do hold the force of law.

Council has used the Plan, on more than one occasion, to deny an application that wasn't right for some reason. Applicant's can always reapply after their materials are complete.

Policy 2. The plan overrides other ordinances, such as zoning, subdivision or other ordinances when there is a conflict.

Policy 6. The plan must have the support of the majority of the community.

Policy 7. The plan is not to be used for the benefit of a few property owners or special interests, but for the city as a whole.

The more I read, the less I understand the rush to approve this project. The Manzanita Lofts application needs far more work before it should be considered.

We want thoughtful managed growth and this project is not that.

We hope that you will follow the Planning Commission's lead and deny this application.

Thank you for your time.  
Ben and Kim Rosenberg  
280 Edmund Lane  
Manzanita Oregon 97130



**Scott Gebhart**

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**From:** Mark Beach <mbeach125@gmail.com>  
**Sent:** Friday, July 15, 2022 8:31 AM  
**To:** City Of Manzanita; Leila Aman  
**Subject:** Manzanita's constitution

Oregon law says a comprehensive plan is “the controlling document for land use in the area.” Conforming to state law, Manzanita’s comprehensive plan includes the phrase “carries the force of law” and “overrides other city ordinances, such as zoning, subdivision or other ordinances when there is a conflict.”

Our comprehensive plan says in the SRR zone “overall residential densities shall not exceed 6.5 dwelling units per acre.” The Manzanita Lofts property lies inside the SSR zone and so is limited to 24 units. Following the comp plan seems to require confirming the planning commission decision to deny the application.

Please include this comment in the public record for your review of the Manzanita Lofts proposal.

Thank you for your efforts on City Council.

Mark Beach  
207 Jackson Way

## Building

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**From:** cityhall  
**Sent:** Thursday, July 14, 2022 3:39 PM  
**To:** Leila Aman  
**Cc:** Nina Aiello  
**Subject:** FW: REF: Manzanita Lofts

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**From:** Bill Gumpenberger <bgumpenberger@hotmail.com>  
**Sent:** Thursday, July 14, 2022 3:38 PM  
**To:** Linda Kozlowski <lkozlowski@ci.manzanita.or.us>; Steve Nuttall <snuttall@ci.manzanita.or.us>; Hans Tonjes <htonjes@ci.manzanita.or.us>; Jerry Spegman <jspegman@ci.manzanita.or.us>; Mike Scott <msscott@ci.manzanita.or.us>; cityhall <cityhall@ci.manzanita.or.us>  
**Subject:** REF: Manzanita Lofts

Manzanita City Council

PO Box 129

Manzanita, OR 97130

TO: Manzanita City Council

Ref: Hotel/PUD/Commercial/Residential Project Classic and Dorcas Intersection

I reference the proposed project in this way because in your statements and documentation you have referred to the project in all these classifications. So, what are you considering and what is it? I have now learned the applicant is calling it Manzanita Lofts.

I am opposed to this project for 2 specific reasons.

1. Traffic. You have not addressed the issue of a 5-way intersection at Classic and Dorcas other than to say the property has 90 feet of access on to Dorcas. In this regard I do not see that staff has done an adequate job of evaluating the projects impact on the community and its livability as outlined in the Manzanita Comprehensive Plan. **Please review the 3 documents in the packet dealing with traffic. Only one has an engineer's stamp, Greenlight Engineering. This report points out 2 important details: 1. A detailed traffic study of the Dorcas and Classic Street intersection has not been done. 2. A 280-foot sight distance on Dorcas can only be achieved by removal of trees on property owned by others.**
2. Wetlands. The applicant is relying on a 2017 delineation that covers a very small portion of TL2100. It is the planning commissions responsibility to be sure that the Wetlands Issue is properly handled by the applicant to again protect the livability of our community as outlined in the Comprehensive Plan. The Planning Commission did their job in taking the time to analyze this issue, I encourage you to follow their lead.

**This issue is now at the State level and I encourage you to make no decision until the Bureau of State Lands rules on the wetlands issue,**

The other issue I have a problem with is the initial staff report of March 10, 2022. In almost every instance staff puts the burden of enforcement and decision making on the building department of Manzanita and does not require any detailed information from the applicant.

As an example:

Phase 1 of the project is 19 studio hotel rooms within a 2-story structure. So, 9 buildings plus a 1 story building or 1 building with common walls. The renderings that were submitted seem to show 11 buildings.

Staff findings state that the project lot coverage will not exceed 33%, 7% below the maximum in the SR-R zone of 40% "based on applicant's calculations". Why is it based on the applicant's calculations because there are limited numerical measurements in the application? The 9 cabins are the only buildings with any actual dimensions or specifics that would allow meaningful analysis of lot coverage

How can you approve a project with such limited specifics?

On page 3 of the staff report you state "The request does not involve dwellings so provision in item"(b)" does not apply." How is this not a dwelling? Persons will be in the individual units and will be using the space as a temporary dwelling.

William and Mary Gumpenberger

610 Division CT, Manzanita, OR 97130

503-970-8591

[bgumpenberger@hotmail.com](mailto:bgumpenberger@hotmail.com)

## Building

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**From:** cityhall  
**Sent:** Thursday, July 14, 2022 7:27 PM  
**To:** Leila Aman  
**Cc:** Nina Aiello  
**Subject:** FW: Much Respect & Gratitude ...

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**From:** Corinna <cbbcalm@gmail.com>  
**Sent:** Thursday, July 14, 2022 6:59 PM  
**To:** cityhall <cityhall@ci.manzanita.or.us>  
**Subject:** Fwd: Much Respect & Gratitude ...

To all Council members, City Manager , and Staff ;  
Bellow is my letter sent to the Planning Commission 's process towards the Manzanita loft application.  
The Planning Commission stayed neutral in their inquiries ,before determining wether the project met City's code.  
They listened to the concerns of the community .  
The City Council needs also to listen to it's citizens here.  
To act for the Greater Good of this community .  
Expansion is happening but it needs to be done in Balance , the right way, not allowing special interest & power to  
invade a community like Manzanita .  
Sincerely ,  
Corinna Beuchet ( 10 years here )  
454 dorcas Lane  
Manzanita OR 97130

Begin forwarded message:

**From:** Corinna <[cbbcalm@gmail.com](mailto:cbbcalm@gmail.com)>  
**Subject:** **Much Gratitude ...**  
**Date:** June 25, 2022 at 3:58:38 PM PDT  
**To:** Lee Hiltenbrand <[leehiltenbrand@gmail.com](mailto:leehiltenbrand@gmail.com)>

For your " Endurance " , your Tenacity " , your Courage, for the greater good of our community ,( and the  
visiting families who bikes together on Dorcas..)  
To be a good neighbor is a " Behavior "...you all are this...  
One who brings 30 + visitors ..is not a considerate neighbor...  
Corinna  
454 Dorcas Lane

July 13, 2022

Dear Mayor Scott, Council Persons Linda Kozlowski, Hans Tonjes, Steve Nuttall, Jerry Spegman, and City Manager Leila Aman:

I'm writing in regard to the upcoming City Council Special Session meeting/land use hearing scheduled for July 19, at 1:00 pm, on the appeal by Vito Cerelli of the PUD proposal that was unanimously denied by the City Planning Commission. This letter is to serve as my public testimony against the proposed PUD on Dorcas Lane.

I would like to commend the Planning Commissioners for the time, research, and care they put into their decision to deny the PUD. The citizens of Manzanita felt we were heard and admire the Commissioners for agreeing that this PUD does not follow code and that in the case of a conflict, the Comprehensive Plan overrides other ordinances such as zoning. A hotel should not be built in a quiet residential area in Manzanita. Dorcas Lane and Classic Street are already dealing with more traffic than they were built to carry. Many people walk, run, and bike on Classic and Dorcas and with no sidewalks and very little to no shoulders, these roads are already unsafe. Drivers tend to push the 25 mph speed limit on Classic, including big rigs heading to the state park and to the construction sites in the Highlands development. The entrance/exit to the proposed hotel site would be in an awkward, unsafe spot so close to the stop sign on Dorcas.

A hotel would have a significant negative impact on the livability of the neighborhoods in this area.

Sincerely,

Linda Olson  
281 Jackson Way

## Building

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**From:** cityhall  
**Sent:** Thursday, July 14, 2022 8:34 AM  
**To:** Nina Aiello  
**Subject:** FW: Letter in Opposition to the proposed Hotel development on Dorcas and Classic (Manzanita Lofts/Manzanita Retreat) for the hearing on Tuesday, July 19, 2022

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**From:** Yvana Iovino <yvana.iovino@gmail.com>  
**Sent:** Wednesday, July 13, 2022 7:02 PM  
**To:** Linda Kozlowski <lkozlowski@ci.manzanita.or.us>; Hans Tonjes <htonjes@ci.manzanita.or.us>; Steve Nuttall <snuttall@ci.manzanita.or.us>; Jerry Spegman <jspegman@ci.manzanita.or.us>; cityhall <cityhall@ci.manzanita.or.us>; Leila Aman <laman@ci.manzanita.or.us>  
**Subject:** Letter in Opposition to the proposed Hotel development on Dorcas and Classic (Manzanita Lofts/Manzanita Retreat) for the hearing on Tuesday, July 19, 2022

Dear members of the City Council and Ms Aman,

I do not know whether the Council read all the letters and listened to all the testimony opposing the proposed PUD for the hotel on Classic and Dorcas that were presented at the last Planning Commission meeting. There was **not one** Manzanita resident who attended this meeting that was in favor of the building of a 34 room hotel in the middle of a residential area in Manzanita.

The Planning Commission demonstrated incredible fortitude and insight when they unanimously agreed to **oppose** the proposal, especially since "staff," in the person of Mr Walt Wendolowski, was (to this viewer) obviously in favor of accepting the PUD.

They reviewed the proposal and the staff report in depth, line by line, and, after an over 3 hr meeting where they listened to testimony from citizens, the developer as well as to an independent traffic assessor, they deemed that the proposed hotel did not follow code.

Below is a copy of my own letter that I had sent to the Planning Commission. My concerns as reflected in that letter are still present. I wish this letter to go on record and to reflect my opposition to the Manzanita Lofts/Manzanita Retreat proposed development on Classic and Dorcas.

But, before you read my letter, I wish to also draw your attention to our Comprehensive Plan and what it states:

"The Comprehensive Plan is the **most important** land use document of the City of Manzanita. Its purpose is to establish goals, objectives and policies for the future of the community. The Comprehensive Plan has the **force of law**. It is intended to guide development in a way that is in keeping with the desires of the majority of the citizens and property owners in the City and Urban Growth Area. The plan **overrides** other city ordinances, such as **zoning**, subdivision or other ordinances when there is a conflict.

The plan is intended to **protect** the **natural environment**, while encouraging high quality development in an orderly manner.

The plan must have the support of the **majority of the community**.

The plan is **not** to be used for the benefit of a **few property owners** or **special interests**, but for the city as a whole.

The plan and its implementing ordinances, such as **zoning** and subdivision regulations, must be reviewed on a periodic review cycle, **every five to seven years.**"

This plan hasn't been updated since 1996; perhaps the zoning of a beautiful wooded land situated in a designated wetland and adjacent to a golf course and in a neighborhood **surrounded** by people's homes would have been changed and a hotel not allowed had the city done what it should have been doing— updating it's zoning to reflect our changing city and world.

Here is my letter:

Dear Planning Commissioners,

First, let me say that last night you gave me reason to hope. After the development of the Highlands (and now Seaview, etc) and the development of 3rd street, I was afraid that the Planning Commission just rubber stamped any developers request. But last night, what I saw and heard, was a group of individuals who had done their research and had also really listened to the concerns of the growing number of Manzanita residents who are saying please stop this development madness that is destroying our town.

So this letter is just to review and put on record my concerns about the potential hotel development by the golf course.

**(1) Traffic:**

(a) I have major concerns about the area where traffic from the hotel will enter and leave Dorcas Street.

Many people from Classic Street Cottages, Dorcas Street, Ridge Road and now the hundreds of people who are populating the Highlands and the rest of Jim Pentz's development (Seaview, Hilltop, etc) use Dorcas to go to the Post Office and the beach. Dorcas is a small road, width wise, to have traffic entering and leaving the hotel onto a road that pedestrians and bikers and runners frequent. An accident waiting to happen.

(b) The visitors in these hotels will be from out of town and have been here infrequently or not at all. They will not be aware of how this road is utilized in our town. They will come upon the Stop sign immediately as they turn right onto Dorcas. This will be a danger for cars driving down Dorcas as well as cars coming down Classic who think the road is clear. Another accident waiting to happen.

(c) Increased traffic on Classic street. Classic has already become a site of increased traffic—from visitors going to the state park (RVs, large motor homes, trucks towing boats), citizens going to the recycling area, people going to their homes in the Highland development and Ridge road and the trucks. Trucks from any building site in Manzanita driving to dump fill, carry building equipment, wood, concrete mixers, etc all driving back and forth on Classic. The weight limit sign makes no difference. No one is enforcing it. And how else are the trucks going to go to the Highlands, etc or the dump site right on Classic. These trucks are huge, noisy and HEAVY.

Now enter another construction area right below Classic that has to access the same roads but also turning on and off Dorcas. Where are the people who walk along Classic to get to Dorcas to get to the beach or post office or downtown supposed to walk? On the side of the road by the Classic Street

Cottages? That area slopes up and one part forms a large “lake” when it has rained making walking on that side impossible. The city had at one time thought about creating a walking path since pedestrian accidents have already happened, but nothing has come about with that project.

## **(2) Our vision for our town:**

As was so aptly put by one of the commissioners: just because it's legal doesn't make it OK and maybe the development shouldn't be approved.

Are we going to OK every land developer who wants to build on all the remaining green spaces in Manzanita? Most of us moved here for the natural beauty, the quietness, the forests and the ocean. Not THIS— unending huge second homes, the taking down of forest land and big old trees, the paving of wetlands.

Where is our heart? Are we becoming just a playground for visitors?

## **(3) The Environment**

And what about the environmental impact? The light pollution, noise pollution, fire pits and smoke in a time when we are seeing more forest fires. The taking down of trees and vegetation in a time when we know through science that trees and vegetation trap carbon. A mature tree absorbs CO2 at a rate of 48 lbs per year. They are without doubt the best carbon technology in the world. Other concerned countries are planting trees in an effort to forestall climate change not cutting them down. It's frankly embarrassing to live in a community that has seeming little regard to what is happening to our world.

I was proud to live in Manzanita: a little known jewel on the Oregon coast known for the arts, its beautiful beach, its residents who care about the environment and its cute downtown.

Please, please let's not change who we are for the sake of greed.

Thank you for listening.

Respectfully,

Yvana Iovino

352 Jackson Way

Manzanita, OR 97130



July 13, 2022

City of Manzanita Mayor and City Council  
PO Box 129  
Manzanita, OR 97130

Dear City of Manzanita Mayor, Council President, and Council Members:

Outlined below are issues and concerns submitted to the Planning Commission in June 2022 regarding the Manzanita Lofts Projects. Over 130 Manzanita citizens agreed to sign the letter or send in their own version. The citizens of Manzanita are opposed to this project because it does not meet the PUD standards in Manzanita's ordinance. The Planning Commission conducted a serious and complete review of the project, looked at the evidence, and in a unanimous vote, bravely denied the project. They are to be commended for their work and their decision. The Concerned Citizens of Manzanita strongly encourage you to look to the many ways this project does not meet code and to uphold the Planning Commission's decision to deny this project.

The citizens signed below have the following concerns regarding the Manzanita Lofts Project. We ask that they be addressed before this project is approved.

- Traffic safety — **The project will create an extremely awkward five-way stop at Dorcas and Classic**, an already busy intersection on narrow streets, which, according to the developer's traffic study, will add an additional 309 traffic trips a day during the busy summer months. Traffic safety is one of the top concerns of citizens who live in the neighborhood surrounding the proposed project. Classic is a very narrow street without five foot easements on both sides. While the project has been reviewed for safety, it does not answer the questions of how the City will deal with heavier traffic at this intersection and pedestrian or bicycle safety on two busy and narrow City streets. The City should address these issues, and this plan should also include an update on the structure of Classic and Dorcas which are both sub-standard. In addition, Classic Street (according to Manzanita's Downtown Transportation Plan) should include a pedestrian/bike path adjacent to the street, similar in design to the pedestrian/bike path on Carmel.
- Fire access — **the proposed hotel has only one entrance and egress**. How will visitors be evacuated in case of a fire when fire trucks and other equipment need access to the buildings?

- o The lack of additional entrances and egress may expose the City to liability if visitors cannot get out of the area in the case of an emergency.
  - o A further complication are that firepits are featured as an exterior amenity of the hotel to be used by visitors in the evenings when there will be no staff on site.
- Wetlands – Tax Lot #2100 has a freshwater emergent wetland shown on the National Wetland Inventory (NWI), State Wetland Inventory (SWI), and in City of Manzanita’s 2019 Buildable Lands Inventory. A Wetland Land Use Notice (WLUN) from the City of Manzanita to DSL is required by ORS 196.676 for this property/development. The notice should have been sent to DSL within five days after the application was deemed complete. According to the DSL Aquatic Resource Planner, “At this point the determination [submitted by the applicant] can informally stand-in for the WLUN, since the ‘wet det’ request has been submitted, but obviously this is not the best or standard operating procedures.” It is concerning that proper procedures have not been followed by the contract City Planner to ensure wetlands are properly reviewed and work in wetlands properly permitted.

The applicant has submitted a wetland delineation to DSL. DSL has 120 days to complete its review, and most likely will not begin their review until August or September 2022. If there is a wetland on the site, the site plan may need to be revised to accommodate the wetland and a joint permit from DSL and US Army Corps of Engineers will need to be secured prior to any work in the wetland area. It does not make sense to move forward with approval while these large, outstanding issues exist.

- Infrastructure & Utilities – **The code is very clear that these issues are to be addressed before the PUD is approved, not after.** In fact, the code that provides instructions about how the PUD is to be evaluated is clear that infrastructure must be addressed with detailed plans before approval. Approval of the project requires detailed information, as the Planning Commission uses discretionary judgement to make their decision. Instead, the Staff Report is doing the community a deep disservice and gaming the system by moving most of the approvals for infrastructure and project details away from the Planning Commission to City staff sometime in the future, taking away the discretionary judgement and opportunities for public comment that rest with the Planning Commission.

Does Manzanita have the infrastructure to support a development of this size? How will the infrastructure for the project be configured? Where are the detailed plans that must be provided before the PUD is approved according to the Manzanita City Zoning Code giving the requirement for the approval of a PUD? The language in those

ordinances regarding the requirement to provide infrastructure details prior to approval is quite directive, using both shall and must, to give direction to the Planning Commission.

- Onsite Hotel Management – As discussed at the May 2022 Planning Commission meeting, the hotel management is planning for this hotel to be what Forbes has called a “staff-less boutique hotel.” This means there will be up to 96 guests on-site, with limited management or staff to help with safety issues or criminal activity. This does not meet the standard of a hotel. Neighbors have valid concerns that the lack of management will cause conflict and issues between neighbors and hotel guests — this in a City already saturated with STRs and those common problems. Without on-site management, these units should be treated as STRs on which the City Council has currently passed a freeze in the SRR zone.
- Parking – While the applicant has met the requirements in City code for number of parking spaces, there is concern that if larger events, like weddings, or large family reunions, are held in the shared community building, that **there will not be adequate parking on-site**. The applicant is on the record in the May 2022 Planning Commission meeting stating that weddings and gathering are part of the planned use for the community building. He received pushback on that statement and reversed it at the June 2022 meeting, stating that the community building will only be used for guests onsite. How does the City guarantee this? What enforcement options are available to the City if events with outside guests occur? How do we protect local residents from the impacts of larger gatherings if they ever occur?
  - There is extremely limited street parking surrounding the proposed development. Large **gatherings with outside guests must be explicitly disallowed**.
- Livability - The livability in our neighborhoods is at risk, and we ask the Planning Commission to look at the PUD code. **There are places where it is not being followed for this project and the code is clear that a higher level of detail is required before project approval.**

The Contract City Planner is on record that the Comprehensive Plan cannot be used to address livability concerns raised by citizens and Commissioners. We strongly disagree with this opinion. The Planning Commission also confirmed that the Comprehensive Plan is a guiding document for the City’s land use decisions. The plan itself states that the Manzanita Comprehensive Plan “has the force of law” and

“overrides other city ordinances, such as zoning.” It also states that “Citizens’ feelings and concerns are the foundation of decision making.”

The fact is that robust public engagement is a foundation of Oregon Land Use and is required by Manzanita’s Comprehensive Plan.

We believe the applicant needs to create more considered plans and strategies that address many of the concerns and questions that have been raised about this project both by citizens and by Planning Commission members, and not just come up with answers on the fly when hard questions are asked during the Planning Commission hearings. At the May and June meetings, the applicant stated multiple times that he felt he had met code. And yet, there are multiple places outlined above where neighbors and citizens strongly disagree with him and with the Staff Report. After serious consideration, the Planning Commission agreed with the citizens opposing the project. The applicant has the opportunity to get started on the right foot in our neighborhood and City, truly hearing and addressing the concerns that have been raised by the neighbors that will surround his project.

We ask the City Council not to yield to pressure to approve this application because the City is getting close to its 120 day deadline for a decision or because of some assurance that it “meets code.” There can be disagreements about what meeting code means, and like the Planning Commission, the City Council has every right, and the duty to exercise their discretionary judgement of this project and to deny it for not meeting applicable code.

Signed by Concerned Citizens of Manzanita

- Signatures begin on next page

# Concerned Citizens of Manzanita

## Signature Page

|    | <u>Name - Printed</u>                 | <u>Signature</u>        | <u>Address in Manzanita</u> |
|----|---------------------------------------|-------------------------|-----------------------------|
| 1  | GARY BURROUGHS                        | GS Burroughs            | 451 DORCAS LN               |
| 2  | CORRINE BURROUGHS (Cervice) Burroughs | Corrine Burroughs       | 451 DORCAS LN               |
| 3  | Sharon Isahel                         | Sharon Isahel           | 446 Dorcas Ln.              |
| 4  | Lindsay Burroughs                     | Lindsay Burroughs       | DORCAS Ln.                  |
| 5  | SANDY WOOD                            | Sandy Wood              | 120 BEERWATER LANE          |
| 6  | Leslie Bagon                          | Leslie Bagon            | 138 Edmund Lane             |
| 7  | Loetta Kim Rosenberg                  | Loetta Kim Rosenberg    | 280 Edmund Lane             |
| 8  | Kaleen Wineinger                      | Kaleen Wineinger        | 37 Portland Ave             |
| 9  | Lyle Hendrickson                      | Lyle Hendrickson        | 465 Dorcas Lane             |
| 10 | MARY RUEF                             | Mary Ruef               | 355 JACKSON WAY             |
| 11 | JEANINE RUMBLE                        | Jeanine Rumble          | 360 JACKSON WAY             |
| 12 | Kenneth Ryan                          | Kenneth Ryan            | 384 Jackson way             |
| 13 | Yvana Fovino                          | Yvana Fovino            | 352 Jackson way             |
| 14 | JAN GUSTAFSON                         | Jan Gustafson           | 566 DORCAS LANE             |
| 15 | Barbara GUSTAFSON                     | Barbara Gustafson       | 566 DORCAS LN. MAN          |
| 16 | William G. Mendenberger               | William G. Mendenberger | 610 Division Ct             |
| 17 | DAN & Bonnie SAVICKAS                 | Bonnie Savickas         | 4005 4th St.                |
| 18 | PAUL A HUGHES                         | Paul A Hughes           | 661 DORCAS LANE             |
| 19 | Barbara A. Lee                        | Barbara A. Lee          | 661 Dorcas Lane             |
| 20 | Suzanne K. Cameron                    | Suzanne K. Cameron      | 249 University Ave          |



# Concerned Citizens of Manzanita

## Signature Page


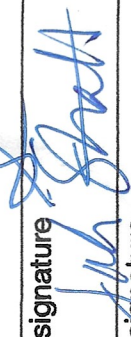







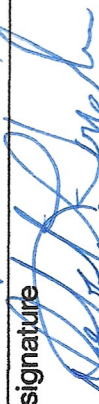



|    | <u>Name - Printed</u> | <u>Signature</u>   | <u>Address in Manzanita</u> |
|----|-----------------------|--------------------|-----------------------------|
| 21 | JAMES MILLER          | James R. Miller    | 383 Jackson Way             |
| 22 | Denise Lofman         | D. Lof             | 663 Dorcas Lane             |
| 23 | Michelle Churchill    | Michelle Churchill | 598 Dorcas Lane             |
| 24 | Debra Simmons         | Debra Simmons      | 256 Treasure Cove Lane      |
| 25 | Corinna Beuchet       | C. Beuchet         | 454 Dorcas Lane             |
| 26 | Roger Seun            | Roger Seun         | Hemlock ST.                 |
| 27 |                       |                    |                             |
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|------------------------|-------------------------------|-----------------------------------|--------------|----------------------------------|
| DEREEN DESCHRYVER      | <u>D de Schryver</u>          | <u>412 UNIVERSITY AVE</u>         | <u>97130</u> | <u>derend007@gmail.com</u>       |
| print name             | signature                     | address                           | zip code     |                                  |
| Jennifer Stewart       | <u>Jennifer Murt</u>          | <u>368 S. 4th place</u>           | <u>97130</u> | <u>Jenny pea@gmail.com</u>       |
| print name             | signature                     | address                           | zip code     |                                  |
| MATHEW GOODRICH        | <u>[Signature]</u>            | <u>368 S. 4TH PLACE</u>           | <u>97130</u> | <u>MATHEW GOODRICH@gmail.com</u> |
| print name             | signature                     | address                           | zip code     |                                  |
| Gregory Wiener         | <u>Gregory Wiener</u>         | <u>369 S 4<sup>TH</sup> PLACE</u> | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| ELIZABETH MYZAK        | <u>Ea Myzak</u>               | <u>853 Lakewood Dr</u>            | <u>97130</u> | <u>elbthmyzak1@gmail.com</u>     |
| print name             | signature                     | address                           | zip code     |                                  |
| <u>[Signature]</u>     | <u>Paul Miller</u>            | <u>577 PORTLAND AVE</u>           | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| Liza Jones             | <u>[Signature]</u>            | <u>57 portland avenue</u>         | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| Jan Layne              | <u>Jan Layne</u>              | <u>460 Treasure Cove</u>          | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| John Tuttle            | <u>John Tuttle</u>            | <u>568 Ridge Drive</u>            | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| JEFF FOLEN             | <u>Jeff Folen</u>             | <u>498 Doreas lane</u>            | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| Jennifer Rammer        | <u>Jennifer Rammer</u>        | <u>Jennifer Rammer 97130</u>      | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| Jeddy Haffner          | <u>Jeddy Haffner</u>          | <u>400 Ocean Ave Manzanita</u>    | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
| Charlotte von Ahlefeld | <u>Charlotte von Ahlefeld</u> | <u>34640 Neptune Ct</u>           | <u>97130</u> |                                  |
| print name             | signature                     | address                           | zip code     |                                  |
|                        |                               | <u>890 Greenridge</u>             | <u>97130</u> |                                  |
|                        |                               | address                           | zip code     |                                  |



|                   |                   |                               |          |
|-------------------|-------------------|-------------------------------|----------|
| Isabella Beaton   | Isabella Beaton   | P.O. Box 431 Manzanita, OR    | 97130    |
| print name        | signature         | address                       | zip code |
| Karen Small       | Karen Small       | P.O. Box 587 Manzanita, OR    | 97130    |
| print name        | signature         | address                       | zip code |
| Marie's Hansen    | Marie's Hansen    | P.O. Box 45 Manzanita, OR     | 97130    |
| print name        | signature         | address                       | zip code |
| June L. Baymler   | June L. Baymler   | P.O. Box 187, Manzanita, OR   | 97130    |
| print name        | signature         | address                       | zip code |
| Ralph J. Dobiejko | Ralph J. Dobiejko | P.O. Box 187, Manzanita, OR   | 97130    |
| print name        | signature         | address                       | zip code |
| CHRISTINA UTTER   | Christina Utter   | P.O. Box 732 Manzanita, OR    | 97130    |
| print name        | signature         | address                       | zip code |
| CLIFF UTTER       | Cliff Utter       | P.O. Box 732 Manzanita, OR    | 97130    |
| print name        | signature         | address                       | zip code |
| THOMAS SENBROOK   | Thomas Senbrook   | 7270 SW 80TH AVE Box          | 97223    |
| print name        | signature         | address                       | zip code |
| Carol Kennedy     | Carol Kennedy     | 578 Dorcas Lane Manzanita, OR | 97130    |
| print name        | signature         | address                       | zip code |
| Marisue McGrath   | Marisue McGrath   | P.O. Box 1193 Manzanita       | 97130    |
| print name        | signature         | address                       | zip code |
| Elizabeth Connor  | Elizabeth Connor  | P.O. Box 515 Manzanita, OR    | 97130    |
| print name        | signature         | address                       | zip code |
| print name        | signature         | address                       | zip code |
| print name        | signature         | address                       | zip code |



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|----------------------|---|-----------------------------|----------|
| RONALD DITTRICH      |    | 8905 PUFFIN LANE            | 97130    |
| print name           | signature   | address                     | zip code |
| Amy Eichelberger     |    | 228 Beeswax Ln              | 97130    |
| print name           | signature   | address                     | zip code |
| Jew Strzelton        |    | 228 Beeswax LN              | 97130    |
| print name           | signature   | address                     | zip code |
| COLIN EIDERS         |    | 1124 Caribel ave            | 97130    |
| print name           | signature   | address                     | zip code |
| NANCY MOSS           |    | 8905 Puffin Lane            | 97130    |
| print name           | signature   | address                     | zip code |
| DONALD TONGS         |     | 170 BEESWAX LN              | 97130    |
| print name           | signature   | address                     | zip code |
| Ellen Drumheller     |     | 159 Beeswax LN              | 97130    |
| print name           | signature   | address                     | zip code |
| ROGER D. CAITPANA    |    | 159 BEESWAX LN              | 97130    |
| print name           | signature   | address                     | zip code |
| Robert LeChevallier  |    | 470 Treasure Cove, dr       | 97130    |
| print name           | signature   | address                     | zip code |
| Debbie Jonathan      |   | <del>diagon</del> diagon.us | 97130    |
| print name           | signature   | address                     | zip code |
| Jon Willie           |  | 421 Treasure Cove DR        | 97130    |
| print name           | signature   | address                     | zip code |
| Nancy Grande         |  | 480 Treasure Cove DR        | 97130    |
| print name           | signature   | address                     | zip code |
| R. Vargus da Wrenner |  | 448 Dorcas Lane             | 97130    |
| print name           | signature   | address                     | zip code |
|                      |   | 369 S                       | 97130    |
|                      |   | address                     | zip code |



|                         |           |                              |          |
|-------------------------|-----------|------------------------------|----------|
| Don von Ahlkefeld       | signature | 890 Greenridge               | zip code |
| Donnie J. Kosi          | signature | 8866 Ocean Crest Ln          | 97130    |
| Judeline M. Goscoe      | signature | 9940 Pine Ridge              | 97130    |
| Tom Mock                | signature | 9354 Nebelhorn Rd            | 97131    |
| KATE JOHNSTONE          | signature | POB 493 Manz                 | 97130    |
| Jessica Schaffner       | signature | PO Box 1482 Manzanita        | 97130    |
| Constance A Burton      | signature | PO Box 1387 Manzanita        | 97130    |
| SUSAN BAKER             | signature | 38475 Beulah Reed Rd.        | 97131    |
| Steve Ranner            | signature | 400 Ocean Ave                | 97130    |
| Will Clafin             | signature | 8255 Neahkhanie Rd           | 97131    |
| Guy Whitehead           | signature | whitecars.msr.               | 97130    |
| Julie Carson            | signature | 292 Tredgrove Cove Manzanita | 97130    |
| Julie Carson            | signature | 292 Treasure Cove Pl         | 97130    |
| DANIEL L. SAVICKAS, JR. | signature | 400 S Fourth Pl              | 97130    |

KELI HANSEN

print name

Janet Carter

signature

Janet Carter

address

215 JACKSON WAY

zip code

97130

372 JACKSON WAY

zip code

97130

print name

MOLLY DELORE

signature

Molly DeLore

address

294 JACKSON WAY

zip code

97130

print name

Peter McDonnell

signature

Peter McDonnell

address

381 JACKSON WAY

zip code

97130

print name

Brian Postle

signature

Brian S. Postle

address

381 JACKSON WAY

zip code

97130

print name

Ziad Adahhan

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Ziad Adahhan

address

378 JACKSON WAY

zip code

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print name

ERIK HANSEN

signature

Erik Hansen

address

215 JACKSON WAY

zip code

97130

print name

JELLY GLOWAY

signature

Jelly Gloway

address

300 JACKSON WAY

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97130

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Mark Beach

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Mark Beach

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207 JACKSON WAY

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| print name             | signature              | address                     | zip code |
| JOHN R. DUBE           | J. R. Dube             | 2873 RD MANZANITA           | 97130    |
| print name             | signature              | address                     | zip code |
| BORG H Lohman          | Borg H Lohman          | 663 Darcas Lane Manzanita   | 97130    |
| print name             | signature              | address                     | zip code |
| Alia Hedges            | Alia Hedges            | 585 Darcas Lane Manzanita   | 97130    |
| print name             | signature              | address                     | zip code |
| JASON HEDGES           | JH                     | 585 DARCAS LANE MANZANITA   | 97130    |
| print name             | signature              | address                     | zip code |
| Gary Seelig            | Gary Seelig            | 9300 Puffin Lane, Manzanita | 97130    |
| print name             | signature              | address                     | zip code |
| Melinda Seelig         | Melinda Seelig         | 9300 Puffin Lane, Manzanita | 97130    |
| print name             | signature              | address                     | zip code |
| Greg Kronholtz         | Greg Kronholtz         | 9320 Puffin Lane Manzanita  | 97130    |
| print name             | signature              | address                     | zip code |
| SUSAN KRONHOLTZ        | Susan Kronholtz        | 9320 Puffin Lane Manzanita  | 97130    |
| print name             | signature              | address                     | zip code |
| Stephen E. Spainhour   | Stephen E. Spainhour   | 135 Classic St. Manzanita   | 97130    |
| print name             | signature              | address                     | zip code |
| Deborah Reed           | Deborah Reed           | 176 Division Street         | 97130    |
| print name             | signature              | address                     | zip code |
| Anna Campbell          | Anna Campbell          | 172 DIVISION ST             | 97130    |
| print name             | signature              | address                     | zip code |
| Dianne McKennedy-Getty | Dianne McKennedy-Getty | 9300 SANDPIPER LN           | 97131    |
| print name             | signature              | address                     | zip code |
| Sandra J Hearnman      | Sandra J Hearnman      | 965 FAIRWAY COURT           | 97130    |
| print name             | signature              | address                     | zip code |

Concerned Citizens of Manzanita

to Planning Commission -- June 9, 2022

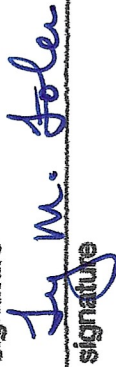
Steven Allen Dowell  
print name

  
signature

36445<sup>th</sup> & Kearney CRR  
address

97131  
zip code

Terry M. Folen  
print name

  
signature

498 Dorcas Lane  
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Concerned Citizens of Manzanita

to Planning Commission — June 9, 2022

|                    |   |               |          |
|--------------------|---|---------------|----------|
| Sheena R Fuller    |  | 96 Beeswar Ln | 97130    |
| print name         | signature   | address       | zip code |
| Hetheridge         |  | 96 Beeswar Ln | 97130    |
| print name         | signature   | address       | zip code |
| Raymond J Bartlett |  | 859 Beach     | 97130    |
| print name         | signature   | address       | zip code |
|                    | signature   | address       | zip code |
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## Concerned Citizens of Manzanita

### Signature Page

|    | <u>Name - Printed</u> | <u>Signature</u>     | <u>Address in Manzanita</u> | <u>eMail</u>     |
|----|-----------------------|----------------------|-----------------------------|------------------|
| 1  | Kristin Dinkheller    | Kristin M Dinkheller | 163 Classic St. (co-owner)  | KMDINK@GMAIL.COM |
| 2  |                       |                      |                             |                  |
| 3  |                       |                      |                             |                  |
| 4  |                       |                      |                             |                  |
| 5  |                       |                      |                             |                  |
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## Concerned Citizens of Manzanita

### Signature Page

|    | <u>Name - Printed</u> | <u>Signature</u>    | <u>Address in Manzanita</u>             | <u>eMail</u>           |
|----|-----------------------|---------------------|---|------------------------|
| 1  | David Adams           | <i>David Adams</i>  | 163 Classic St. Manzanita<br>(co-owner) | dadams.gomez@gmail.com |
| 2  | Nadene Adams          | <i>Nadene Adams</i> | 163 Classic St. Manz.<br>(co-owner)     | dnadams32@gmail.com    |
| 3  |                       |                     |   |                        |
| 4  |                       |                     |   |                        |
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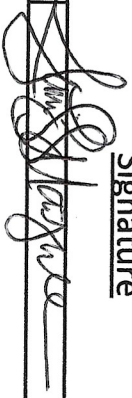



# Concerned Citizens of Manzanita

## Signature Page

|    | <u>Name - Printed</u> | <u>Signature</u> | <u>Address in Manzanita</u> | <u>eMail</u>          |
|----|-----------------------|------------------|-----------------------------|-----------------------|
| 1  | Gregg Allison         | Gregg Allison    | 1163 Classic, Manzanita     | gregg.allison@gmx.com |
| 2  | Kathleen M. Allison   | Kathleen Allison | 1163 Classic, Manzanita     | allison57@comcast.net |
| 3  |                       |                  |                             |                       |
| 4  |                       |                  |                             |                       |
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# Concerned Citizens of Manzanita





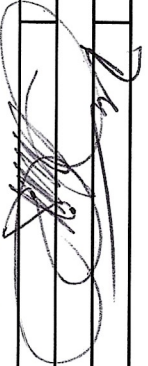

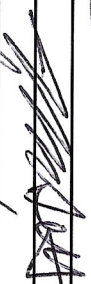
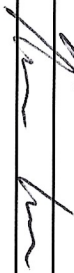




## Signature Page

|    | <u>Name - Printed</u> | <u>Signature</u>   | <u>Address in Manzanita</u>               | <u>eMail</u>               |
|----|-----------------------|--|---|----------------------------|
| 1  | Jennifer Mayhew       |  | 7810 Cherry Street<br>Manzanita, OR 97130 | jennifer@mayhewcompany.com |
| 2  |                       |  |   |                            |
| 3  | BLAD MATEARCE         |    | 786 CREEK STREET<br>MANZANITA, OR 97130   | bladmatearce@comcast.net   |
| 4  | JODY LEWIS            |     | 4880 Laurel Ave<br>Manzanita, OR 97130    |                            |
| 5  | GARY LEWIS            |     | 480 Laurel Ave<br>Manzanita, OR 97130     | artillerymower@comcast.net |
| 6  |                       |  |   |                            |
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# Concerned Citizens of Manzanita

## Signature Page

| Name - Printed      | Signature  | Address in Manzanita   | eMail                          |
|---------------------|--|------------------------|--------------------------------|
| 1 Ben Rosenberg     |  | 280 Edmund Lane, 97130 | ben.killen.rosenberg@gmail.com |
| 2 Martha Schedtel   |  | 258 Edmund Lane 97130  | schedtel.m.a.comcast.net       |
| 3 William T. Jordan |    | 258 Edmund Lane 97130  | Jordan.bill@comcast.net        |
| 4 Darryl Saunders   |     | 157 Edmund Lane 97130  | dus97130@gmail.com             |
| 5 Randy Manner      |     | 157 Edmund Lane 97130  | rymanner@gmail.com             |
| 6 Lisa Sutton       |     | 316 3rd St. S.         | lisa7pdx@gmail.com             |
| 7 Jeff Sutton       |     | 316 3rd St. S.         | jeffsutton9@gmail.com          |
| 8 Christina Willis  |     | 227 Edmund Lane        | willis@bath.org                |
| 9 Peter Boyle       |     | 161 Edmund Lane        | peteboyle@newtel.net           |
| 10 Lynne Boyle      |     | 161 Edmund Ln 97130    | l3boyle23@gmail.com            |
| 11 Scott Reed       |     | 295 Edmund Ln          | streddog@bendkrobb.com         |
| 12 Lisa Munson      |     | 473 Edmund Ln.         | lmpherses1@gmail.com           |
| 13                  |  |                        |                                |
| 14                  |  |                        |                                |

# Concerned Citizens of Manzanita

## Signature Page

|    | <u>Name - Printed</u> | <u>Signature</u>   | <u>Address in Manzanita</u> | <u>eMail</u>                 |
|----|-----------------------|--|-----------------------------|------------------------------|
| 1  | Bryan Churchill       |   | 598 Dorcas Lane             | bryanchurchill@comcast.net   |
| 2  | Michele Churchill     |  | 598 Dorcas Lane             | michelechurchill@comcast.net |
| 3  |                       |  |                             |                              |
| 4  |                       |  |                             |                              |
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Concerned Citizens of Manzanita

to Planning Commission — June 9, 2022

*Erin Stammer*



*594 Dorcas Lane*

*97130*

print name

signature

address

zip code

*Jay Stammer*

signature

*594 Dorcas Lane*

*97130*

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**661 Dorcas Lane  
Manzanita, OR 97130  
July 13, 2022**

**Manzanita City Council  
P.O. 129  
Manzanita, OR 97130**

**My name is Barbara Lee. I live at 661 Dorcas Lane.**

**My concern is traffic safety on Dorcas and Classic Streets. A predicted additional 309+ cars a day traveling these narrow streets destroys the living quality in this quiet area of Manzanita. Many people enjoy walking along Dorcas, some with children, others with dogs. Others jog or ride bikes trying to avoid busy Laneda.**

**I also have a personal concern about additional traffic. I have a disabled neighbor who enjoys keeping Dorcas between Classic and Division Streets clean and attractive. He's always helping neighbors by trimming the swales or ditches and keeping the streets cleared of branches, leaves, pine needles, and other debris. He enjoys this work, which gives him great satisfaction and a feeling of self-worth. The neighborhood keeps an eye out for his safety. The increase in traffic, especially by those unfamiliar with the area will heighten the threat to this gentleman of Manzanita.**

**Respectfully,**

A handwritten signature in cursive script that reads "Barbara A. Lee". The signature is written in black ink and is positioned above the printed name.

**Barbara A. Lee**

40802 N Laurel Valley Way  
Anthem, AZ 85086  
(253) 310-5179  
[gtheisen45@gmail.com](mailto:gtheisen45@gmail.com)  
July 7, 2022

**RECEIVED**  
JUL 18 2022

City of  
Manzanita

Ms Leila Aman, City Manager  
City of Manzanita  
PO Box 129  
Manzanita, OR 97130

Dear Leila:

Thank you for your recent updates in The Manzanita Minute; they were very informative.

My wife and I have owned a home in Manzanita for approximately 30 years, and we love the town and the North Oregon coast as much as you. Our home has been a Short Term Rental (STR) for those 30 years and has been quite successful, both for us and for Manzanita in the form of tax revenue. The home has always been professionally managed, presently with Vacasa for the past 7 years. Vacasa does a very good job of marketing, screening, booking, prepping and cleaning, and monitoring guests for any problems or questions that may occur.

I am well aware that there is a contingent of local homeowners who vehemently and vocally oppose rentals. The city and the short term rental committee have instituted regulations which make it ever more difficult to operate, and some of the proposals of the committee were "crazy." While I am in total favor of providing a safe environment for guests, I feel that some items covered in the inspection have little to do with safety. Plus, certain inspection items apply only to STR's and not to the general population.

As you stated in your letter, STR's provide more than 50% of the city's funding through the TLT. I think that is great, but it is difficult to understand why the push to severely limit future STR's. The city benefits financially from STR's, as do all of the local restaurants and businesses. As you state, the city's population grows to nearly 3000; these are people on vacation who are there to enjoy themselves, shop in the stores on Laneda Ave, and dine in the city's eateries. In short, they are there to have fun and spend money. Without STR's many of the local businesses would fail.

I want to keep Manzanita small, charming and cozy. I do not want to turn it into a Seaside or a Cannon Beach. I want to see our city prosper. I know you are in a challenging position. It is difficult to make everyone happy and to create a fiscally sustainable environment. I would simply ask for fairness for the STR community, Manzanita's largest source of revenue.

Sincerely,



George F Theisen  
34461 Lungomare Ave.  
Manzanita, OR 97130



**From:** Denise Lofman <[dlofman@yahoo.com](mailto:dlofman@yahoo.com)>  
**To:** [planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us) <[planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us)>; [laman@ci.manzanita.or.us](mailto:laman@ci.manzanita.or.us) <[laman@ci.manzanita.or.us](mailto:laman@ci.manzanita.or.us)>  
**Cc:** "[karen@yurka.net](mailto:karen@yurka.net)" <[karen@yurka.net](mailto:karen@yurka.net)>; "[orewent@nehalem.tel.net](mailto:orewent@nehalem.tel.net)" <[orewent@nehalem.tel.net](mailto:orewent@nehalem.tel.net)>; "[jenna@jennaedginton.com](mailto:jenna@jennaedginton.com)" <[jenna@jennaedginton.com](mailto:jenna@jennaedginton.com)>; "[leehiltenbrand@gmail.com](mailto:leehiltenbrand@gmail.com)" <[leehiltenbrand@gmail.com](mailto:leehiltenbrand@gmail.com)>; "[phmannan@gmail.com](mailto:phmannan@gmail.com)" <[phmannan@gmail.com](mailto:phmannan@gmail.com)>; "[manzanitabloom@nehalem.tel.net](mailto:manzanitabloom@nehalem.tel.net)" <[manzanitabloom@nehalem.tel.net](mailto:manzanitabloom@nehalem.tel.net)>; "[jnanson@nehalem.tel.net](mailto:jnanson@nehalem.tel.net)" <[jnanson@nehalem.tel.net](mailto:jnanson@nehalem.tel.net)>  
**Sent:** Saturday, June 18, 2022 at 03:37:34 PM PDT  
**Subject:** Testimony for Manzanita Lofts PUD

Dear City of Manzanita Planning Commission:

Attached please find my testimony regarding the Manzanita Lofts PUD and the 6-12-2022 wetland delineation submitted to Department of State Lands for this property. Please place this testimony and the enclosed relevant wetland delineation in the record for this matter.

Sincerely,  
Denise Lofman



June 17, 2022

Denise Lofman  
PO Box 206  
Manzanita, OR 97130  
[dlofman@yahoo.com](mailto:dlofman@yahoo.com)

City of Manzanita Planning Commission  
VIA EMAIL: [planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us)

RE: Manzanita Lofts Planned Unit Development

Dear Manzanita Planning Commission:

As a concerned citizen with a family home directly across the street from the proposed entrance to the Manzanita Lofts project, I have a number of concerns, both ones I have brought up before, and new ones, that have not been adequately addressed by the Staff Report, the City Contract Planner, the Planning Commission, or the applicant.

As Planning Commission members, you have the duty to exercise your discretionary judgement to say the application does not include all the information that code requires and neighbors have asked for. Here's just a short list of what I have identified is missing or incomplete:

- Studies have not been done,
- infrastructure and utility plans have not been provided,
- the wetland delineation is not approved,
- dwelling standards have not been applied,
- density standards have not been applied,
- traffic issues have not been settled, despite the milquetoast traffic "study" the applicant provided,
- issues regarding the use of the community building are not settled, and
- the applicant has made no effort to address safety, liability, and playability concerns that come from building directly adjacent to a golf course.

Make the applicant do what he is required to do by law, which is bear the burden of proof to meet code requirements.

Below, I go into more detail regarding most of the issues listed above.

## **WETLANDS**

The applicant for the Manzanita Lofts project has been in contact with the Department of State Lands (DSL) and has submitted a wetland delineation for the freshwater emergent wetland on Tax Lot #2100. The delineation submitted to DSL states that there is no wetland on the property. The applicant stated at the May 16, 2022 Planning Commission meeting that he has 99.5 percent confidence that what he has submitted will be approved by the State, that DSL's approval is a given. He will argue that there are no wetland issues to be addressed on this site, and that everyone should just move on.

I strongly disagree. As a professional, working in wetland/watershed restoration and land use planning on the North Coast for almost 20 years, I bring experience and knowledge to this topic. I also work closely with wetland professionals who have completed wetland delineations in sandy soils in Cannon Beach and Manzanita where there are inventoried wetlands and it can appear that there is no wetland. Yet, the wetland does, in fact, exist. Delineations in these areas with sandy soils require extra care and expertise, because although the area lacks typical wetland indicators and characteristics, the area remains a wetland. These wetlands, like the one on tax lot #2100, are difficult and problematic wetlands to delineate.

The submitted wetland delineation (see attached) states that it uses Routine On-site Determination (p. 2) and makes no mention of the consultant utilizing Chapter 5: Difficult Wetland Situations in the *Western Mountains, Valleys, and Coast Region of the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* at this site. Therefore, the wetland question is not yet settled. DSL staff are experts in identifying these problematic issues in sandy soils and will provide guidance and assistance to the applicant regarding this question. However, the timelines for review, revision and final approval will likely be longer than the applicant wishes for them to be.

Section 3.090 Wetlands Notification Overlay Zone in Manzanita City Code is quite old. It has not been updated since March 1996 and has not kept up with Oregon statutes regarding wetlands. It still clearly states no work shall be allowed on a site if it is in the Wetland Notification Overlay Zone. The Wetland Overlay Zone does not seem to be available on the zoning map on the City's website. However, if a wetland, like this one, is on the Statewide Wetland Inventory, it requires a Wetland Land Use Notification to DSL and DSL is requiring a wetland delineation from the applicant, that alone must trigger Manzanita Zoning Code Section 3.090 Wetlands Notification Overlay Zone.

The wetlands issue is not settled and remains a critical concern that the Planning Commission must consider in its review of this project. The Planning Commission must ensure that the City is following its own code and Oregon statute regarding wetlands. Based on Manzanita City Code, no site preparation, no removal of vegetation, no land clearing or construction activities shall occur at the project site until the wetland delineation is approved by DSL and if a wetland is on the site, both DSL and Army Corps of Engineers permits are issued to the applicant. I strongly encourage the Planning Commission to deny approval of this project and have the applicant return after he has an approved wetland delineation from DSL and any required permits from both DSL and the Army Corps of Engineers. The Staff Report asserts that the PUD approval is simply for the layout of the project. If this is the case, it does not make sense to approve the project while it is waiting for a final delineation as the applicant may need to revise the layout of the buildings to avoid building within the wetland.

## **GOLF COURSE SAFETY, LIABILITY, & VEGETATION**

The Planning Commission and City should carefully consider the safety and liability burden the approval of this project will bring to both the golf course and the City. I had concerns after one of the Planning Commissioners brought up the issue of the number of golfers who slice to the right from the t-box of the fifth hole at the May 16, 2022, Planning Commission meeting. The applicant had very little to say to address this safety issue, other than to mention that houses and hotels are built on golf courses all the time and it would not be a problem. I then asked my husband, who golfs Manzanita Links regularly, how often people slice at the fifth hole t-box. His answer echoed the Planning Commissioner comments: this happens all the time.

After reading the letter from Manzanita Links which laid out a number of additional concerns the golf course has with the project, I decided to call the owner of the golf course to ask if the applicant had reached out to discuss these concerns. As of the evening of June 17, 2022, he had not. We then spoke a bit about liability when golf balls cause damage to property or people. I learned that usually developments along golf courses are created by the owners of the courses, so they are planned for and developed in a way that will reduce safety concerns and liability. This project is not doing that. The applicant has not even given a courtesy heads up to the golf course regarding this development. Given the height of the t-box and that fact that the majority of golfers will slice to the right at this location, this development is being proposed in a location that is dangerous and unsafe. When damage is done by a golf ball to people or property, but especially people, everyone is sued. And there will be lots of golf balls flying into this development.

Manzanita Lofts has the potential to create a significant liability for the golf course, individual golfers, and eventually, the City, because it allowed the project even after this concern was raised by multiple people, including a Planning Commission member, and was not adequately addressed in the review process. I am sure the City would want to be cautious about approving a project that directly increases liability for a neighboring property owner and perhaps for the City itself. As a taxpayer, I certainly want the City to be cautious about this. I recommend that this may be a topic that the senior City Attorney should review before going forward. What is the City going to require of the development to limit this liability and provide safety for guests and their property (i.e., vehicles)?

Manzanita Links is a beloved golf course, the locals are particularly protective of it, which is why, after years of operating at a loss, citizens and the City came together to find a creative way to save it and have worked with the new owner to make it a viable and vibrant recreational business in our community. The proposed development increases the chances the golf course will be sued multiple times and is another example of impacts that the applicant insists on foisting upon his neighbors. Do not allow this to continue.

This issue, like many others I have raised in my letters, must be addressed now and not allowed to linger until it becomes a big problem sometime in the future after a guest at Manzanita Lofts is hit in the head. Knowledgeable people can see physical injuries are a real, ongoing concern, as is property damage. Deal with this issue now. The City needs to take a hard look at what the safety issues will be at this site, including flying golf balls and making sure guests, children, and pets are not allowed on the course. Require the applicant come up with a plan to address these issues prior to approving this project. One of the first things the applicant could do is schedule a meeting with the golf course owner or his staff to discuss concerns and potential solutions.

I then asked about vegetation and tree removal on golf course property, as the much of the tree canopy along the fifth green rests on golf course property, and this existing canopy blocks the proposed development's view to the west. The trees at the end of the green along Dorcas were also a concern of mine. I learned all trees on golf course property are protected under the conservation easement the City holds and is required by law to enforce.

The traffic study submitted by the applicant suggest trimming vegetation along Dorcas to create sight lines to the west of 280 feet. However, I'm sure the Planning Commission is already aware that the vegetation in that location protects homes, vehicles, and people along Dorcas from rogue golf balls. As a homeowner directly across the street from the fifth green, I find numerous golf balls in my front yard, as do my

neighbors, and we do not want the trees or vegetation removed in that area as it provides adequate, if not complete, protection.

## **PARKING & COMMUNITY BUILDING USAGE**

Based on City code, the applicant has provided adequate parking for the hotel units. I continue to have concerns that when larger events, like weddings, or big family reunions, are held in the shared community building, that there will not be sufficient parking. What size gatherings will be permitted in the community building? Are outside guests allowed or only those staying on-site? If outside guests are allowed, what is the maximum number of guests permitted for sizable gatherings? Where will they park if all lodging is filled with guests and all parking spaces are used? There is extremely limited street parking surrounding the proposed development. To remedy these parking issues and neighbors' concerns, I recommend large gatherings with outside guests shall not be allowed at the facility, the community building shall be only for the use of guests staying onsite.

## **DWELLINGS**

In my letter dated April 18, 2022, I asked the Planning Commission to grapple with whether at least some of the proposed units should be considered dwellings and how that impacts density requirements. That has not yet occurred. At least nine of the units, maybe more, meet a definition of dwelling in Manzanita code. I disagree with the Contract Planner that because it is a commercial project, the definition of dwellings does not apply. I find it particularly curious that the applicant himself is using "dwellings" on his site plan for nine units to count parking spaces. Additionally, in his initial site plan, submitted for the March 21, 2022, Planning Commission meeting, there are dashed lines to signify possible partitions of these nine units as homes. The Staff Report for the March meeting states, "Phase 2 includes the 1,000 square foot cottages. The submitted plan includes possible property lines (dashed lines) for a possible future partitioning of the property." What exactly is the intent here? A partitioning of nine "dwellings" not "hotel rooms" in the future? I ask the Planning Commission to request clarification regarding this issue. If these buildings are to be partitioned in the future to be dwellings, aren't they dwellings now?

## **MANZANITA CITY CODE AND HOTELS/MOTELS**

I cannot find the definition of a hotel or motel in Manzanita City Code. There is no information about how a hotel/motel should be sited or operated. I realize these questions are then answered at the state level, but the Oregon Revised Statutes are surprisingly limited on this topic. This creates a huge loophole, allowing the development to be basically a cluster of short-term rentals (STRs) that are called a hotel.

## **PLANNED UNIT DEVELOPMENT CRITERIA ORDINANCE 95-4 SECTION 4.136**

I also want to address what I see as significant issues in the Staff Report. A Planned Unit Development is not just a simple plan showing the layout of a development as the Staff Report claims. The Planned Unit Development criteria listed in Ordinance 95-4 Section 4.136 requires detailed information that has not yet been provided. Instead, the Staff Report basically says these things will be addressed later. By not following both the letter and spirit of the code and requiring detailed plans and drawings for the entire project now, the Contract Planner is taking away the Planning Commission's authority to use discretionary decision making and the public's ability to provide input and appeal decisions. By pushing

all of the details down to staff level non-discretionary decision making, the project and its details become a “done deal” as some City of Manzanita staff like to say.

### **PLANNING COMMISSION & DISCRETIONARY JUDGEMENT**

As citizens, we are looking to you to protect this town from overwhelming development and to preserve the livability of our neighborhoods and community. You do not have to agree with the Staff Report. You can make your own decision. It concerns me deeply that Chair Yurka stated publicly in the May 16, 2022, Planning Commission meeting, “I’m anxious about it. The size of the development, the impact of that many more basically short-term rentals or motels on the community are going to be a hard thing to take. But I think, frankly we have to swallow it and take it.”

The Planning Commission has received multiple letters pointing out specific places where code has not yet been met and where the comprehensive plan is being ignored. Deny this project. Force the applicant to bear the burden of proof and to produce a complete, detailed application that fully meets the City’s PUD criteria and allows for the Planning Commission to exercise its maximum discretionary authority. Do not unknowingly grant this vital responsibility of discretionary judgement to City staff. Grapple with whether some of the units are dwellings and whether that impacts how many units should be allowed on site. Provide additional time for the wetland delineation and potential wetland permitting to be completed. Yes, a hotel/motel is an outright use in this zone. But by requiring the project to meet very specific PUD criteria, City Code grants you the right and duty to make certain this project is done correctly following the spirit and letter of the zoning code and comprehensive plan.

We are in a very sad state of affairs if over 120 Manzanita residents are signing a letter raising multiple issues with this project and many more are writing their own letters raising issues specifically of interest to them, and “we have to swallow it and take it.” How incredibly disappointing and frustrating for all of us who make our home here.

We do not have to swallow it and take it. Do not fail us, use your discretionary judgement to deny so poorly researched and planned a project.

Please place this testimony and the enclosed wetland delineation into the record for this matter.

Sincerely,  
Denise Lofman

Enclosure: DSL Wetland Delineation# 2022-0331

June 15, 2022

To the city counselors, planning commission members and city manager regarding the proposed Manzanita Lofts development.

Our community does not have to “swallow” a proposal for a development that violates our comprehensive plan. The planning commission seems focused on approving development as long as it meets zoning requirements. This is disappointing as our comprehensive plan describes the planning commission as the voice of the citizens. I would like to see a bold commission consider the impacts of any development on infrastructure, livability, traffic concerns, and insist on detailed information from applicants. I would like to see a bold commission with a vision of the overall needs and concerns in this town, a commission that would place importance on planning. Many fine qualities of this place we call home along with aspirations of our citizens are delineated in our comprehensive plan. Why not defend the plan as we move forward.

Sincerely,

Janet Carter  
372 Jackson Way  
Manzanita OR 97130

From: **Barbara Gustafson** <[barb47gus@gmail.com](mailto:barb47gus@gmail.com)>  
Date: Mon, Jun 6, 2022 at 4:24 PM  
Subject: Economic Development and Quality Of Life In Manzanita  
To: Hans Tonjes <[htonjes@ci.manzanita.or.us](mailto:htonjes@ci.manzanita.or.us)>, Jerry Spegman <[aspegman@msn.com](mailto:aspegman@msn.com)>, Leila Aman <[laman@ci.manzanita.or.us](mailto:laman@ci.manzanita.or.us)>, Linda Kozlowski <[lkozlowski@ci.manzanita.or.us](mailto:lkozlowski@ci.manzanita.or.us)>, Mike Scott <[miscott@ci.manzanita.or.us](mailto:miscott@ci.manzanita.or.us)>, Scott Gebhart <[building@ci.manzanita.or.us](mailto:building@ci.manzanita.or.us)>, Steve Nuttall <[snuttall@ci.manzanita.or.us](mailto:snuttall@ci.manzanita.or.us)>

Just a few days ago we had the opportunity to rewatch the Oregon PBS Oregon Experience [episode](#) (click link in a browser) featuring Tom McCall. Our governor Tom McCall set the tone and standards for Oregon concerning our city's economic development and the preservation of our quality of life. Simply put and following the lead of Oswald West (1) every mile of the Oregon coast is open to the public, and (2) every city, large or small, must have a plan for how it will grow.

"If you come to Manzanita you need to respect and preserve our live-ability" is the principle that the [concernedcitizensofmanzanita.org](http://concernedcitizensofmanzanita.org) have embraced.

There are a number of issues that need to be addressed by the City Council and the City Planning Commission for us to support the direction that these city leaders are taking us with regard to the following developments. (The links can be displayed in a browser)

- (1) The high growth rate of the [Highlands at Manzanita](#).
- (2) The [planned development of a hotel along Classic street](#).

- (a) Between these two developments the impact of vehicles and foot traffic into the downtown areas of Manzanita will be overwhelming.
- (b) Dorcas Lane has become one of the main access points to downtown Manzanita. It has become the preferred, quick route from the two development areas to downtown and other locations up and down the beach. Day by day, the peril is obvious and frightening.
- (c) Manzanita's basic layout, without sidewalks along most streets, assumes that people and cars must share the road. The design of Carmel street with provisions for walking and biking in addition to autos is a compromise that works pretty well. It is not obvious that a solution of this type can be worked out.

These problems must be worked out before these projects are completed. We have been given no indication that the pending decisions will include adequate

consideration to the impact of these decisions on the liveability of Manzanita, as Tom McCall envisioned.

Jon, Barbara and Charli (the poodle) Gustafson  
[566 Dorcas Lane](#)  
[Manzanita, Oregon](#)



P. O. Box 338 or 661 Dorcas Lane  
Manzanita, OR 97130  
May 28, 2022

Manzanita Planning Commission  
P.O. Box 129  
Manzanita, OR 97130

Dear Planning Commission:

I am writing to express my concerns in the development of Manzanita and the speed of the development. Presently, the development of the Highlands will result in four phases possibly more. It appears the Planning Commission will also approve an adjacent 34-unit, Manzanita Lofts "hotel." With no on-site management, it appears to me to be thirty-four short-term rental units. The saying goes "If it looks like a duck, quacks like a duck, etc."

After reading Manzanita's Comprehensive Plan, I would like to point out several overall policies listed in the Plan.

### **Overall Policies**

6. The plan must have the support of the majority of the community.
7. The plan is not to be used for the benefit of a few property owners or special interests, but for the city as a whole.

### **Plan Adoption and Amendment**

3. Explain how the change will serve the public need.  
(Does Manzanita want or need an additional 34 short-term rentals?)

### **Land Use Goal & Objectives**

3. Prevent the concentration of uses that would overload streets and other public facilities, or destroy living quality and natural amenities.

There are estimates an additional 300+ cars would travel down Dorcas Lane. This certainly destroys the living quality of those people living on or near Dorcas and Classic. Many people in the neighborhood enjoy walking down Dorcas some with children or dogs and many others bike, trying to avoid busy Laneda Avenue.

Barbara A. Lee

Cc: Manzanita City Council  
Leila Aman, City Manager  
Concerned Citizens of Manzanita