

**NOTICE OF A PUBLIC HEARING ON THE REMAND OF
A LAND USE BOARD OF APPEALS DECISION
(PLANNED UNIT DEVELOPMENT)**

The City of Manzanita Planning Commission has rescheduled this remand hearing from its previously scheduled time of May 15, 2023, to **May 30, 2023 at 10:00 a.m.** via Zoom. Go to www.ci.manzanita.or.us for log in information. This special set meeting will include a remand hearing to consider the Oregon Land Use Board of Appeals' ("LUBA") remand of the City's denial of the following application:

Request: Planned Unit Development for a 34-Unit Hotel.
Applicant: Vito Cerelli.
Location: 698 Dorcas Lane.
Assessor's Map: 3N-10-29AD, Tax Lots 2600 and 2100.
Zoning: Special Residential/Recreational Zone (SR-R).
Criteria: This application will be evaluated against the Planned Unit Development criteria listed in Ordinance 95-4 Section 4.136; and, the Special Residential/Recreational Zone standards in Ordinance 95-4 Section 3.030.

On February 27, 2023, LUBA issued a Final Opinion and Order ("LUBA's Order") remanding the City's denial of the above-referenced application to the City. On March 30, 2023, applicant requested that the City address the application on remand. A copy of the request is enclosed with this Notice. On April 12, 2023, the City Council remanded this matter to the Planning Commission. The Planning Commission will hold a hearing in accordance with LUBA's remand decision addressing:

- Whether MZO 3.030(4)(a) is applicable to the proposed use and whether the proposed use can comply with MZO 3.030(4)(a) with or without conditions.
 - MZO 3.030(4)(a) requires that, as related to the remand issues: "Overall density for the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site within the SR-R zone and achieve a maximum density of 13 dwellings per acre where at least 40% of the total lot or parcel area is reserved or dedicated as permanent open space as a public or private park area or golf course. The open space shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City."
- Whether the proposed use can comply with the requirements of MZO 4.136(3)(c)(2), (3) and (5) with or without conditions.
 - MZO 4.136(3)(c)(2) requires that, as related to the remand issues: "Resulting development will not be inconsistent with the . . . zoning

objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage.

- MZO 4.136(3)(c)(3) requires that, as related to the remand issues: “The area around the development can be planned to be in substantial harmony with the proposed plan.”
- MZO 4.136(3)(c)(5) requires that, as related to the remand issues: “The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.”

In addition, in accordance with LUBA’s Order, the City cannot consider the Manzanita Comprehensive Plan Provisions when making a determination on this application.

The remand hearing will be conducted in accordance with LUBA’s Order and limited to the remand criteria as described above. Anyone who participated in the land use proceedings in this matter to date may present evidence or argument relating to the remand criteria as described above in person or by representative at the hearing. Such persons may also file written comments with the City of Manzanita prior to the public hearing. All comments must be sent to planning@ci.manzanita.or.us or delivered in person to Manzanita City Hall 167 S Fifth Street, Manzanita, OR 97130. All documents, evidence, and staff reports in the record to date, including a list of Manzanita Zoning Ordinance approval criteria applicable to the request, are available for inspection on the city’s website <https://ci.manzanita.or.us/planning-commission/> or can be made available at Manzanita City Hall at no cost. Copies can be obtained for \$.25/page.

A decision by the Planning Commission to approve or deny the permit will be based upon the above listed remand criteria and these criteria only. At the hearing it is important that comments and submissions relating to the request pertain specifically to the applicable criteria. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

A copy of the staff report will be available at least seven days prior to the hearing for inspection at no cost, or, a copy can be obtained for \$.25/page. If you need any special accommodations to participate in the hearing, please notify City Hall 24-hours before the meeting. For further information please contact Leila Aman, City Manager, Manzanita City Hall, 368-5343, P.O. Box 129, Manzanita, Oregon 97130.