



David J. Petersen  
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Admitted to Practice in Oregon and California

503.802.2054 direct  
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June 6, 2023

**VIA E-MAIL - [lamana@ci.manzanita.or.us](mailto:lamana@ci.manzanita.or.us)**

Manzanita Planning Commission  
Attn: Leila Aman, City Manager  
PO Box 129  
167 S. 5th Street  
Manzanita, OR 97130

Re: 698 Dorcas Lane application for 34-unit hotel – hearing on remand

Dear Commissioners:

On behalf of the applicant, please accept this additional testimony and evidence for the upcoming remand hearing on June 16. This letter supplements my letter of May 22, 2023.

MZO 3.030(4)(a) provides that the maximum density of a project to which the criterion applies may be increased from 6.5 to 13 dwelling units per gross acre if the applicant reserves or dedicates "at least 40% of the total lot or parcel area ... as permanent open space as a public or private park area or golf course." As explained in my May 22, 2023 letter, the applicant disagrees that MZO 3.030(4)(a) applies to this matter, because hotel rooms are not dwelling units.

Nonetheless, and without waiving that argument, the applicant has offered to reserve or dedicate a portion of the site as open space. Since MZO 3.030(4)(a) does not apply in this matter, there is no obligation that the applicant's offer strictly comply with the language of that code provision. However, the applicant's offer does in fact comply by: (1) proposing reservation or dedication of open space in excess of 40% of the total lot area; (2) as a private park.

First, the 40% threshold is clearly met. The proposed open space is a contiguous area<sup>1</sup> of 73,862.24 square feet as shown on the updated site plan submitted by the applicant to the City concurrently with this letter, which is 44.27% of the total site area of 166,834.8 square feet. None of the proposed open space area is underneath or between the footprint of any proposed buildings.

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<sup>1</sup> It is worth noting that while the proposed open space is in fact contiguous, the City has not in the past required contiguity. See, e.g., the fractured and non-contiguous open space in the Classic Street Cottages, which utilized the density bonus in MZO 3.030(4)(a).

Second, the applicant will agree to reserve or dedicate the open space as a private park. The MZO does not define a "park" or "private park," so the Planning Commission should look to examples of other parks throughout the state to define the terms. Many parks, both public and private, include open space that is maintained in its natural state with few if any improvements. In fact, the vast majority of the land within many Oregon state parks fit this description, as do many municipal parks such as Forest Park in Portland and elsewhere.

Consequently, unimproved or minimally improved open space can and does constitute a park, either public or private. In this case, the applicant proposes to construct some minor trail and other improvements in the proposed open space but otherwise to leave it in its current natural condition. Further, while title to the property will remain in the hands of the hotel owner,<sup>2</sup> the applicant is willing to work with the City to adopt reasonable rules and regulations allowing public access on any improved trails while limiting access to the remainder of the open space to hotel guests. As private property, the City will continue to have the same enforcement rights that it has with respect to any private property in the City (open space or otherwise) regarding potential adverse use impacts like noise, littering, unpermitted events, etc. The applicant's proposal thus constitutes a reservation or dedication of open space for a private park consistent with MZO 3.030(4)(a).

With respect to the testimony of Todd Mobley at the May 30 Planning Commission hearing, the applicant fully agrees with his testimony and has no comments.

Please enter this letter and the updated site plan into the record on this matter.

Best regards,



David J. Petersen

DJP/rkb

cc (via e-mail): Vito Cerelli  
Scott Gebhart  
Souvanny Miller  
Mick Harris

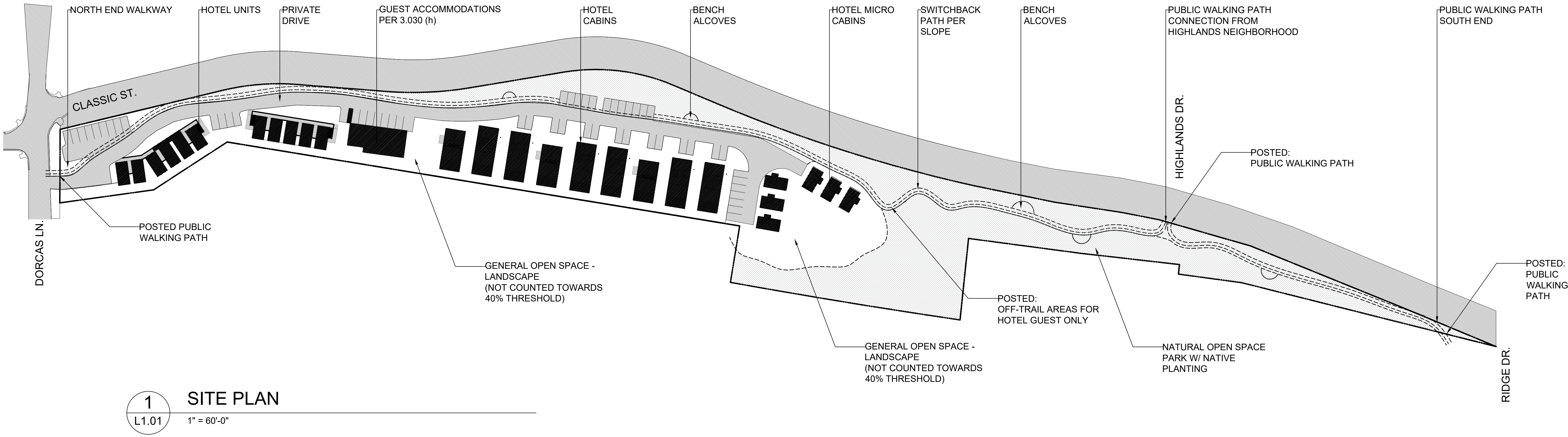
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<sup>2</sup> The applicant is not willing to convey the open space to the City, and to the applicant's understanding the City is not willing to accept such a conveyance.



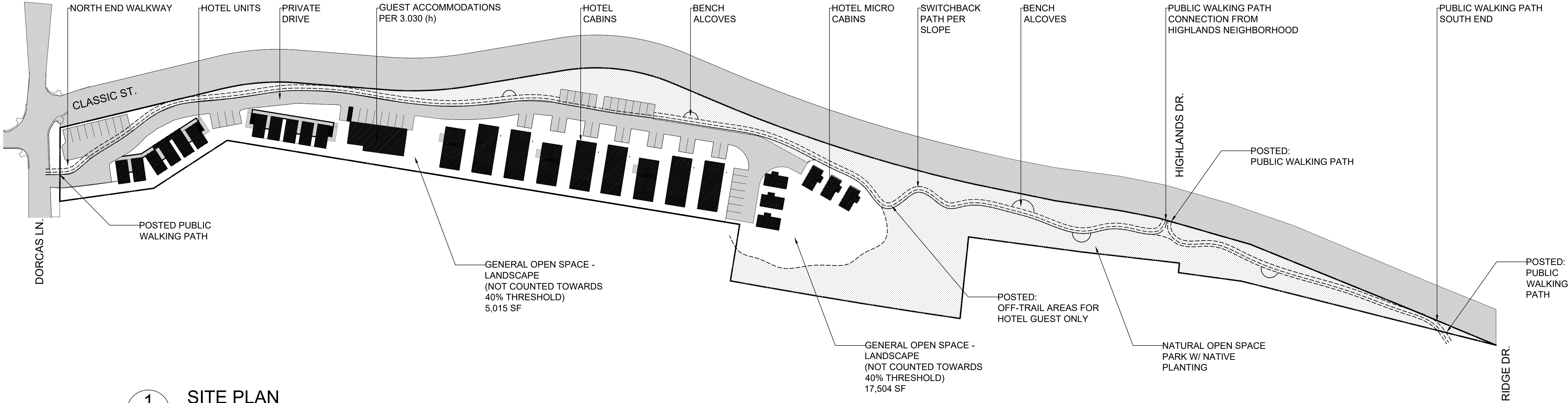
SITE INFORMATION:  
OWNER:  
MANZANITA LOFTS LLC  
TAX LOT  
3N 10W TAX LOT 2600 + 2100  
ZONING:  
SR-R  
ROAD/PARKING AREA:  
26,479 SF  
PARKING REQUIRED:  
43  
PARKING PROVIDED:  
53  
PERCENTAGE LOT COVERAGE w/ ROAD:  
 $(6,521 + 9,000 + 2,100 + 2,225 + 26,479 \text{ SF}) / (166,834.8 \text{ SF}) \times 100 = 27.77\%$   
PERCENTAGE LOT COVERAGE w/o ROAD:  
 $(6,521 + 9,000 + 2,100 + 2,225 \text{ SF}) / (166,834.8 \text{ SF}) \times 100 = 11.90\%$   
DEDICATED PERMANENT OUTDOOR SPACE:  
OPEN GUEST PARK SPACE / PUBLIC WALKING PATH  
 $(73,862.24) / (166,834.8 \text{ SF}) \times 100 = 44.27\%$   
\*\*+/- 25 TREES REMOVED FOR CONSTRUCTION  
\*\*ADDITION OF +/- 50 NATIVE TREES AND VEGETATION



MANZANITA LOFT  
SITE PLAN



SITE INFORMATION:  
OWNER:  
MANZANITA LOFTS LLC  
TAX LOT  
3N 10W TAX LOT 2600 + 2100  
ZONING:  
SR-R  
ROAD/PARKING AREA:  
26,479 SF  
PARKING REQUIRED:  
43  
PARKING PROVIDED:  
53  
PERCENTAGE LOT COVERAGE w/ ROAD:  
(6,521 + 9,000 + 2,100 + 2,225 + 26,479 SF) / (166,834.8 SF) x 100 = 27.77%  
(72.23 % OF SITE LANDSCAPED)  
PERCENTAGE LOT COVERAGE w/o ROAD:  
(6,521 + 9,000 + 2,100 + 2,225 SF) / (166,834.8 SF) x 100 = 11.90%  
DEDICATED PERMANENT OUTDOOR SPACE:  
OPEN GUEST PARK SPACE / PUBLIC WALKING PATH  
(73,862.24) / (166,834.8 SF) x 100 = 44.27%  
GENERAL OUTDOOR SPACE:  
GUEST SPACE, AMENITIES, GATHERING AREAS  
(AREA @ GUEST BUILDING / MICRO CABINS)  
(22,519.04) / (166,834.8 SF) x 100 = 13.50%  
\*\*+/- 25 TREES REMOVED FOR CONSTRUCTION  
\*\*ADDITION OF +/- 50 NATIVE TREES AND VEGETATION



1  
L1.01

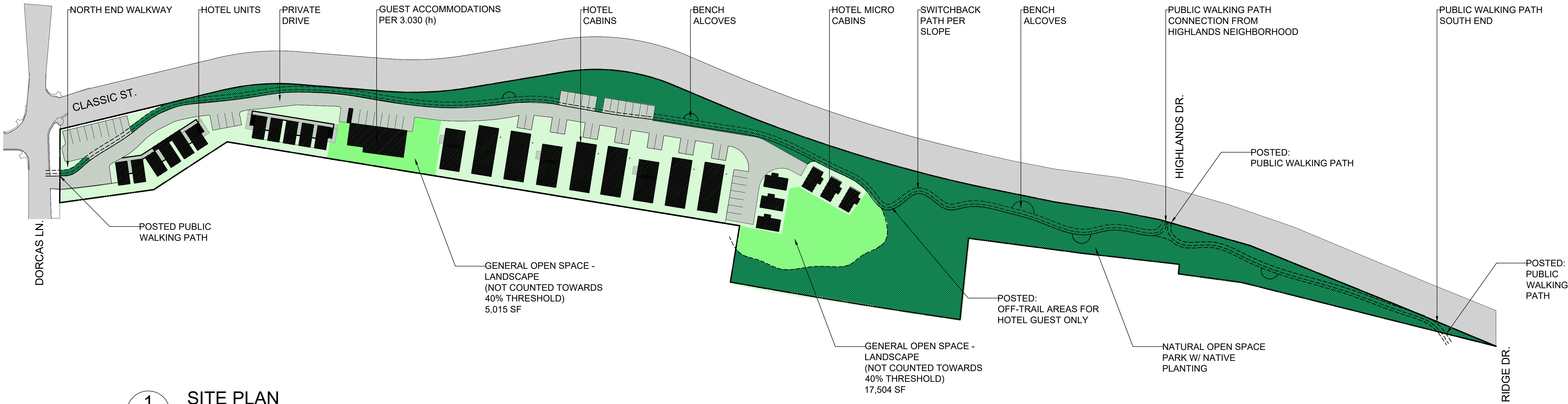
SITE PLAN

1" = 60'-0"

MANZANITA LOFT  
SITE PLAN



SITE INFORMATION:  
OWNER:  
MANZANITA LOFTS LLC  
TAX LOT  
3N 10W TAX LOT 2600 + 2100  
ZONING:  
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26,479 SF  
PARKING REQUIRED:  
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\*\*+/- 25 TREES REMOVED FOR CONSTRUCTION  
\*\*ADDITION OF +/- 50 NATIVE TREES AND VEGETATION



1  
L1.01

SITE PLAN

1" = 60'-0"

MANZANITA LOFT  
SITE PLAN



LANDSCAPE THEME MATERIALS AND AMENITIES



NATIVE VEGETATION



ROCK EMBANKMENTS



PICNIC TABLES



OPEN SPACE LOG SCRAMBLES



GRAVEL TRAIL AND ART



ROCKSCAPES



BOULDER SEATING



FERNS AND DRIFTWOOD

PLANTING PALETTE



SHORE PINE



SERVICEBERRY



CAREX SP.



ALASKAN CEDAR



VINE MAPLE



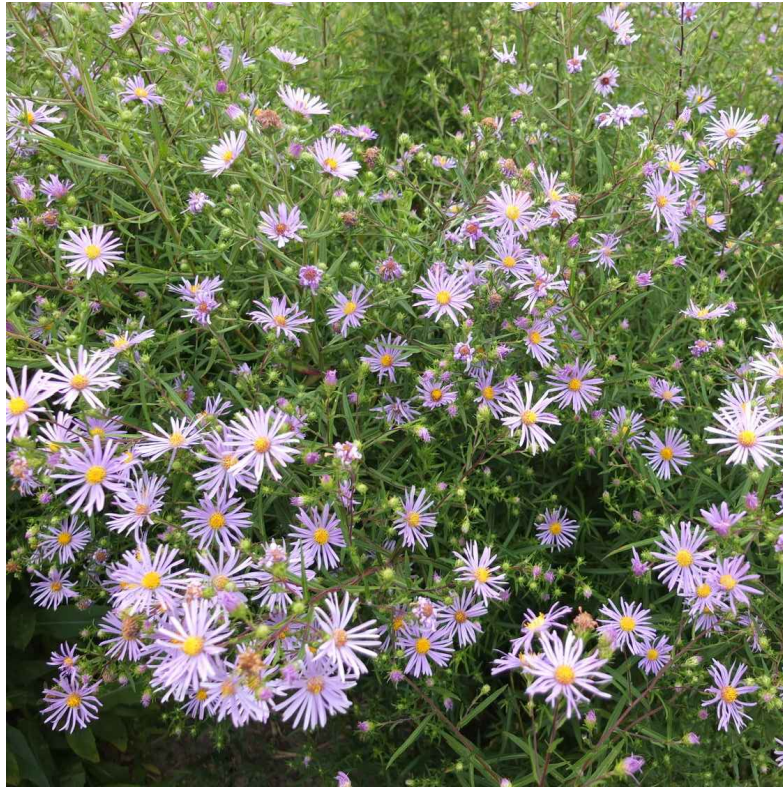
JUNCUS SP.



RIVER BIRCH



SALAL



ASTER



RED ALDER



SOFT MAHONIA



NATIVE UNDERSTORY

11251 SE 232nd AVE		
DAMASCUS, OR 97089		
TAX LOT: 3N 10W TAX LOT 2600 + 2100		
PLANT AND MATERIAL PRECEDENT BOARD		
Drawn By		
Drawing Index		
No.	Date	Description
SITE		



**From:** Jim Miller <ducbucln@gmail.com>  
**Sent:** Friday, June 2, 2023 2:40 PM  
**To:** Leila Aman; City Planning  
**Subject:** Addition to the Record for Manzanita Lofts

Since the record has been left open till June 7, 2023, please enter this email into the record.

The following is the correct interpretation of MZO 3.030(4)(a) about density:

40% (1.53 acres) must be reserved or dedicated as permanent open space such as a public or private park area or golf course.

60% (2.3 acres) may have dwellings clustered on one portion of a site within the SR-R zone and achieve a maximum density of 13 dwellings per acre.

2.3 acres x 13 dwellings per acre is 29.9 dwellings.

The application is for 34 dwellings. This is above the dwellings allowed per the zoning ordinance.

I disagree with the applicant's attorney stating that a maximum density of 49 dwellings is allowed.

49 dwellings were calculated by using all of the 3.83 acres, but 40% (1.53 acres) must be reserved or dedicated as permanent open space such as a public or private park area or golf course.

If 3.83 acres is going to be used, then the 6.5 dwellings per acre must be used as shown in the first part of the ordinance, not 13 dwellings per acre.

3.83 acres x 6.5 dwellings per acre is 24.9 dwellings.

But the applicant has agreed to use 40% (1.53 acres) reserved or dedicated as permanent open space such as a public or private park area or golf course.

He can't have it both ways.

This application must be denied.

Thank you,

Jim Miller



Manzanita Planning Commission

PO Box 129

Manzanita, OR 97130

June 3, 2023

Commissioners:

I write this letter in opposition to the proposed Manzanita Lofts on the basis they have not met the 40% set aside for "private park" or "golf course".

The applicant claims to have 79,042 sq ft set aside for a "private park and a trail. He shows this on the map on page 8 of his submittal in dark green shading. A copy of this map is attached to this letter. To meet the density standard of 40% he must set aside a minimum of 66,733 sq ft of the 166,837 sq ft of the property for a "private park" or "golf course".

I have marked the map referencing 5 areas. Analyzing these 5 areas you can calculate an area for a "private park" of 62,570 sq ft which is 4,163 sq ft short of the required minimum.

**Area A.** The map denotes this as a 635' x 10' strip as a "set back" as required by the building code even though the applicant coded it dark green as part of the "park". It can't be both, not to mention how do you use this narrow strip of land? I am not sure his hotel guests would appreciate strangers roaming outside their dwelling. This 6,350 sq ft is not in my calculations and should not be included in other calculations.

**Area B** This area is 284' x 164' or 46,576 sq ft and should be included as a "private park" but it needs to be 20,257 sq ft bigger.

**Area C** How do you calculate this area? There are no measurements on the map, however on the Tillamook County Tax Maps we can calculate the area. The lots to the west of Area C range from 100' to 108' in depth. There are a total of 10 lots and their width is a total of 727'. The depth of area B is 165' and Area D's lots are 100' leaving the depth of the widest part of Area C to be 65'. Area C a narrow strip goes from 65' to 0', I am using an average width of 22'. Area C is  $22' \times 727' = 15,994$ .

Combined with Area B there is a total of 62,570 sq ft or 4,163 short of the required 40% minimum.

**Area D** Tillamook County Tax Map 3N1029DB 5 lots each 100' depth x 65' total width 325' bare land.

**Area E** Tillamook County Tax Map 3N1029DC 5 lots varying width from 89' to 76' and depth varying from 90' to 109' The total width is 402' there are homes on each of the five lots.

There are issues with the trail starting at Ridge Road and Classic Street. The applicant has no land at this point and would require an easement from an individual residence or the city (Classic Street) to have his trail start at this point.

There is a severe change of topography in Area C at the point across from the Highlands Rd that will require switch backs and water runoff mitigation.

The planning commission should deny the approval of this project again because it does not meet the 40% set aside requirement.

William Gumpenberger

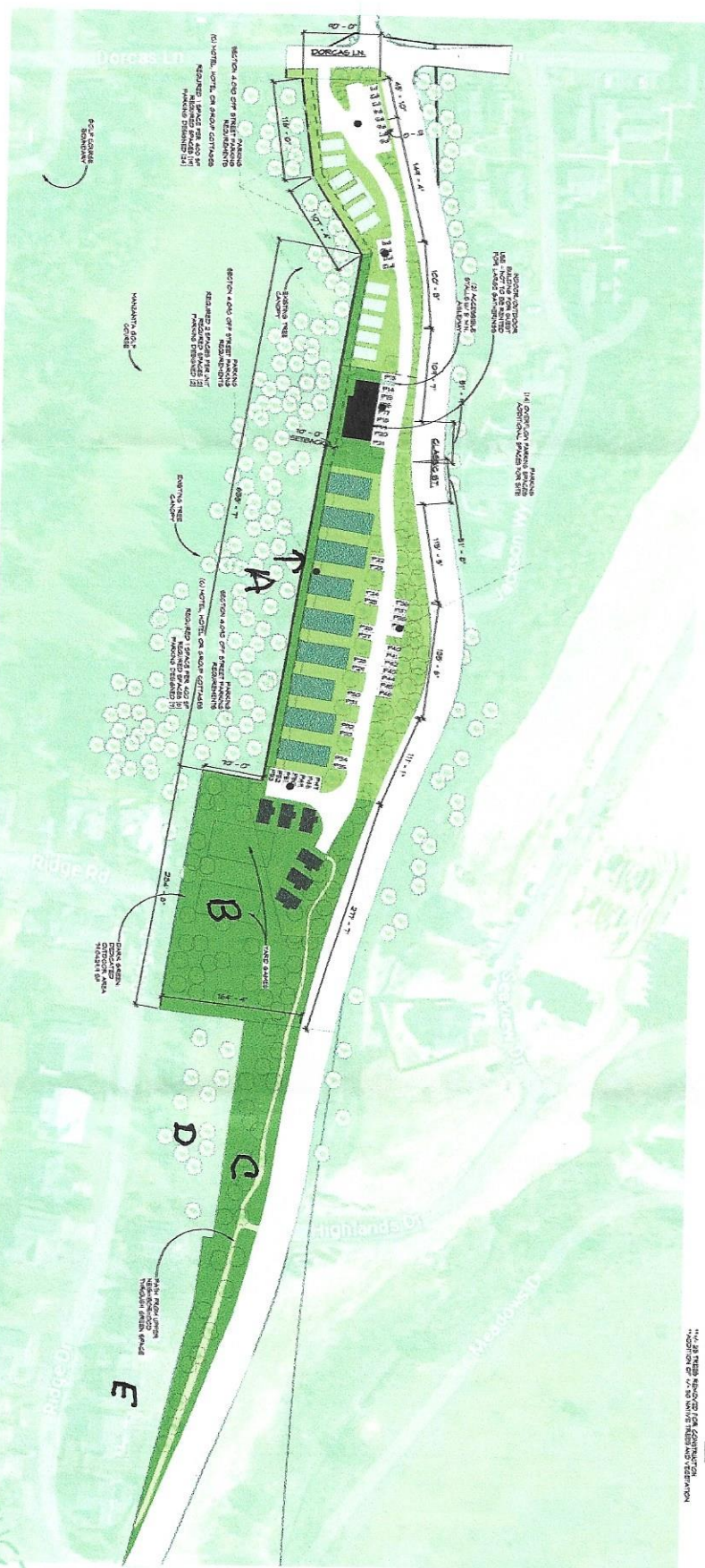
610 Division Ct

Manzanita, OR 97130

503-970-8591

bgumpenberger@hotmail.com



[illegible]

5/13

# SITE PLAN

MANZANITA RETREAT  
TAX LOT:  
3N 10W TAX LOT 2600 + 2100

DAVIDSON, OR 9706

11251 6E 202ND AVE

Drawn By	TL
Date	5/18/2023 10:01:52 AM
Drawing Index	
No.	5
Size	
Description	

**From:** Parker Bloser <pzbloser@gmail.com>  
**Sent:** Tuesday, June 6, 2023 2:38 PM  
**To:** City Planning  
**Subject:** Hotel Complex being contemplated at the corner of Dorcas Lane and Classic Street

Regarding the new hotel being contemplated. The number of dwelling units allowable under the zoning ordinance has been calculated on the total acreage of the project, not that acreage minus the 40% dedicated open space that has been promised. This is clearly incorrect, and the project as presented to the commission should be denied.

Parker Z. Bloser

resident, Classic Street Cottages

**From:** janet carter <carterjanet921@gmail.com>  
**Sent:** Tuesday, June 6, 2023 6:20 PM  
**To:** City Planning  
**Subject:** Deny the Lofts application

I agree with what has been stated, and data provided, by Jim Miller and Bill Gumpenberger. Nothing has changed in the application except a last minute nod to offer 40% open space as a park. What kind of park, private or public? On a rubble pile on a cliff where the park” would come to a narrow point. Not well thought out and therefore not specific enough for the public to understand how it relates to the whole.

The PC must deny this application.

Janet Carter  
372 Jackson Way  
Manzanita

Sent from my iPhone

**From:** Erikson <kay1bob@comcast.net>  
**Sent:** Tuesday, June 6, 2023 9:10 PM  
**To:** City Planning  
**Subject:** Hotel proposal

Manzanita Planning Commission

We are been discussing the concept of a hotel being built in a high density residential area bordering the golf course. Regarding the 40% open space as a public or private park- specifically on the applicant's discrepancy between the 40% promised and the dwelling that is being planned on the land they have.

Regarding the entire project our first thought was why Dorcas and Classic Street? They are heavily traveled roads not only for residential traffic but commercial vehicles going to and from transfer station and residential building areas. The State Park access is directly down Classic Street. Foot traffic for residents and visitors is heavy with no sidewalks or safe walk ways. The location is not conducive to a locate hotel. Manzanita is experiencing exceptional residential housing development, such as Classic Street Cottages and The Heights. Both having planned development.

Let's continue to grow Manzanita and keep the beauty and quaintness that have been the reasons people want to buy a first or vacation home.

Bob and Kay Erikson -residents  
Brent and Stacey Schreiber -residents



**From:** cityhall  
**Sent:** Tuesday, June 6, 2023 3:35 PM  
**To:** City Planning  
**Subject:** FW: Contact Us message from City Of Manzanita Website

Nancy Jones  
Assistant City Recorder  
City of Manzanita  
PO Box 129  
Manzanita, OR 97130  
(503) 368-5343 Ext. 4



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**From:** City Of Manzanita contact form <[cityofmanzanitaoregon@gmail.com](mailto:cityofmanzanitaoregon@gmail.com)>  
**Sent:** Tuesday, June 6, 2023 3:05 PM  
**To:** cityhall <[cityhall@ci.manzanita.or.us](mailto:cityhall@ci.manzanita.or.us)>  
**Subject:** Contact Us message from City Of Manzanita Website

Name: Paul A. Hughes  
Email: [photopaulh@gmail.com](mailto:photopaulh@gmail.com)  
Choose Department: Planning Department  
Message: Manzanita Lofts does NOT meet the legal requirement (MZO 3.030(4)(a) of 40% "must be reserved or dedicated as permanent open space such as a public or private park area, or golf course."

The failure of the applicant to provide data that accurately shows 40% is reserved or dedicated for such open space was presented by William Gumpenberger at 1:53:30 of the Planning Commission meeting on May 30, 2023.

The data from the applicant's Site Plan of May 18, 2023 does NOT meet 40% open space without substantial revisions to Manzanita Lofts. Such as their proposed public-use trail from the south (Classic and Ridge Road) through their entire private plot on a very narrow strip of land between the golf course and immediately adjacent to the hotel.

Parking is another issue that might affect the required 40% open space. With the compromise of providing a trail and park, will they have to reduce parking spaces or number of units of the hotel?

The additional density of a 34-unit hotel and Community Center will create more traffic and noise in this residential locale. The current plan is to provide on-site supervision only at check-in and check-out times. Like most hotels it's much noisier during later hours at night. Who will be on-site to monitor this issue?

Thus, for the above valid reasoning I respectfully ask the Planning Commission to DENY this project.

Paul A. Hughes  
661 Dorcas Lane  
Manzanita

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Date: June 6, 2023

Time: 2:05 pm

Page URL: <https://ci.manzanita.or.us/contact/>

User Agent: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_15\_7) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/103.0.0.0 Safari/537.36

Remote IP: 47.25.244.163

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**From:** Yvana Iovino <yvana.iovino@gmail.com>  
**Sent:** Tuesday, June 6, 2023 5:25 PM  
**To:** City Planning  
**Cc:** Leila Aman  
**Subject:** Open record testimony re Remand: 698 Dorcas lane Application for a 34 unit hotel

June 6, 2023

Via Email

Manzanita Planning Commission  
PO Box 129  
167 S. 5th Street  
Manzanita, OR 97130  
[planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us)

Dear Planning Commissioners,

Please accept this open record testimony regarding the remand– 698 Dorcas Lane Application for a 34 unit hotel.

LUBA has remanded back to the City the question of density and 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.”

There was information provided in the applicant’s letter initiating the remand hearing that the development will comply with the density standards outlined in MZO 3.030(4)(a) by dedicating 40 percent of the site as permanent open space.

Where is the amended application showing how he will comply? Where is the amended application showing “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”? This means the park area or golf course should be on flat, vegetated land, not on the steep hillside next to Classic or Dorcas, not the fill area that is also steep with concrete and other construction garbage.

How presumptuous of him to draw up the “updated” version for the May 30th hearing where he outlined his 40% of “park” area (dark green areas) thinking we don’t know what a “park” is? It is not fragments of lawn scattered here and there.

Commissioners Christ and Squillo were both concerned about the definition of a park as a permanent open space: public or private park area, and how the applicant would establish a true park space. We must use the common definition of a park since one isn’t provided: A large public green area.

Has the applicant consulted Oregon State Parks for the amenities he would need to establish this area as a park? If it is public, how will it work for pedestrians to walk through private hotel grounds? Are there public bathrooms? Are the trails ADA-accessible? What will stop the public from using private grounds once they have walked through the space?

Commissioner Reddick-Yurka was open to the idea of a private park for wilderness; however, where is the research to show how such a space could be habitable for animals (Are there signs indicating wildlife to the hotel guests? Are there fences? Are there precautions being taken, such as bear-proof trash cans? Has Vito consulted with conservation organizations to prove that such an environment would positively affect wildlife?)

Commissioner Mannon was concerned about parking spaces. He was making the very important point about the insufficient math the applicant was presenting regarding the space allotted for parking and how he may need to cut into his 40% of open space for parking.

Neighbors and citizens, as well as the Planning Commission should know exactly where this open space is located on the site, as the zoning ordinances state it “shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City.” **The applicant has not met the burden of proof** by simply saying in a letter he will “comply with the density standards in MZO 3.030(4)(a).” He must provide the specifics of HOW he will comply with these standards. Until he does so, the density standard of 6.5 dwellings per acre must apply.

Here is the zoning ordinance for how to determine if a structure is a Dwelling Unit:

Means one or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing four (4) or more of the following: refrigeration cooking facility (including cooking stove, hot plate, range hood, microwave, or similar facility) or wiring or venting to support same dishwashing machine sink intended for meal preparation (not including a wet bar) garbage disposal toilet shower or bathtub  
[Amended by Ord 03-08, passed October 15, 2003]

The application is once again so vague on this topic for some of the units that we are left guessing whether the 19 stacked units and six micro-cabins meet the definition of a dwelling, but it appears they do. The applicant’s stacked units in Arch Cape are structured the same way as the proposed 19 units and the ones in Arch Cape have kitchenettes. Given how he proposes to advertise and run this hotel, the units will most likely have kitchens in them.



Without more detailed information of the kitchen facilities in each unit, and an updated site plan showing how the 40 percent of the total lot is dedicated as a permanent park area or golf course, the applicant has once again not met the burden of proof. The Planning Commission must apply the 6.5 dwellings per acre density standards, as the application materials show that multiple units will meet the definition of a dwelling, while being vague about other units; nor does it provide a site plan showing the 40 percent park space that will be deed restricted.

I also refer the Planning Commission to the letter from William Gumpenberger, dated June 3, 2023, which indicates that the applicant has not satisfied the 40% standard. The application must, therefore, be denied.

And one last comment on the Planning Commission's deliberations on "harmony" and their choice to interpret the ordinance as "the area around the development **can be planned to be** in substantial harmony with the proposed plan" for *future* developments in the area. Obviously, none of the citizens of Manzanita interpreted the ordinance this way, so there was **no** commentary from the public to argue for the risks posed *to* future developments. While the Planning Commission has already voted as such and "harmony" is no longer an issue the Planning Commission is considering, I do feel it's important to point out that LUBA presented two ways to interpret the remand — the public chose one way and the Planning Commission chose the other. It seems to me unfair that the Planning Commission did not allow for new commentary to respond to their choice of interpretation especially given the public outcry against this development.

Finally, if the applicant submits new information or evidence about the 40% standard, then opponents must be given an opportunity to respond. If not, opponents will have been precluded from making their case before the Planning Commission.

Sincerely,

Yvana Iovino

352 Jackson Way

Manzanita, OR 97130



**From:** Janet Lee Johnson <janet@janetleejohnson.com>  
**Sent:** Tuesday, June 6, 2023 2:04 PM  
**To:** City Planning  
**Cc:** Janet Lee Johnson  
**Subject:** Manzanita Lofts "Public or Private Park" Plan  
**Attachments:** [Bill\\_Letter JUNE 3 Manz Lofts.pdf](#); [Untitled attachment 00031.htm](#)

Dear Commission Members,

Once again, I'm writing to oppose the proposed Manzanita Lofts Hotel. The biggest issue still at hand is that of density, with the applicant needing to prove that **at least 40% of the total lot is reserved as permanent open space as a public or private park area**. The applicant also needs to **how the proposed trail may provide an alternative route for pedestrian and bicycle traffic on nearby streets**.

As I understand it, the applicant is being allowed to submit additional information demonstrating that "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" and citizens must be allowed to review this additional information prior to the continuation of the meeting on **June 16**.

June 6 (today) is the last day the record is left open, and we citizens have no way of providing comment to the actual plan, based on that additional information. I believe we need that additional information, based on information I've seen provided to the Planning Commission by **Bill Gumpenberger** on June 3 (copy enclosed); which shows that the applicant has not set aside 40% of the land for a permanent open space.

Allow us to view the applicant's additional information and give us up to June 16 to provide written comments once (and only when) the applicant provides the updated information. Until then, the application must be denied.

Respectfully,

Janet Johnson  
780 Dorcas  
Manzanita, OR 97310  
503.807.8964

**From:** Gordon King <gking.cres@sterling.net>  
**Sent:** Tuesday, June 6, 2023 2:56 PM  
**To:** City Planning  
**Subject:** Follow Up to MAY 30th HEARING / URGENT ISSUES AND PROPOSED ALTERNATIVES / MANZANITA HOTEL LOFTS

Dear City Of Manzanita Planning Commission Members:

At the end of the May 30th meeting, the developer was to have information to the Planning Commission regarding both the stipulated and agreed upon 40 percent open space requirement as well as to the public trail that was to transverse the Manzanita Loft development.

I trust that documents demonstrating planned compliance will be submitted within the designated timeline AND shared with the public for final comment.

Please kindly forward said information upon receipt for this member of the public's review and comment.

All the best,  
Sent from my iPhone  
Gordon King  
Cell 503.481.7774

> On May 25, 2023, at 1:00 PM, [gking.cres@sterling.net](mailto:gking.cres@sterling.net) wrote:

>

> Dear City of Manzanita City Planning Commission Member(s):

>

> Having worked in the commercial real estate realm in the Portland

> metropolitan area for four decades in a commercial brokerage capacity for

> projects such as the Kruse Woods office development, I certainly understand

> the difficulty a city faces when trying to reconcile any newly proposed

> development with legally binding development standards.

>

> As a 17-year co-owners at 163 Classic Street, my wife and I are obviously

> interested parties in a well-reasoned and legally-compliant outcome to the

> present development proposal regarding the development of a Thirty-Four Unit

> Hotel along Classic Street with access via Dorcas Lane.

>

> As you read our comments, please reference both the attached visualization

> of the proposed five-way traffic intersection at Dorcas Lane related to this

> proposed development as well as the attachment demonstrating areas

> surrounding the proposed development. Unfortunately, for ease of

> development discussion, the attachment demonstrating areas surrounding the

> proposed development does not demonstrate the location of the new Highland's

> subdivision Seaview Drive point of access on Classic. Perhaps, to aid

> discussion of traffic impacts within the area, the planning staff can

> provide all of us all with a more current area map showing this

> interchange.

>

> ACCESS TO AND FROM THE PROPOSED DEVELOPMENT: Frankly, in my entire



- > commercial real estate career, I've never seen a city adopt what amounts to
- > a FIVE-WAY INTERSECTION either in its general planning or in response to a
- > developer's development proposal.
- >
- > I imagine if one steps back to ask oneself, independent of this particular
- > development proposal, whether the City of Manzanita would plan such an
- > intersection as part and parcel of the thoughtful master planning the city
- > has demonstrated over the past couple of decades, the answer would clearly
- > be NO (or perhaps even NO WAY!).
- >
- > But in an effort to accommodate the proposed development in a manner that
- > the developer finds least impactful to budget or more thorough planning
- > efforts, the City of Manzanita finds itself in the unfortunate position
- > reviewing a proposed traffic intersection that in the course of normal
- > planning would never have been proposed to be part of any street or traffic
- > plan -- a five-way intersection that when compared to usual and
- > customarily planned intersection(s) throughout the city is unsafe due to its
- > inherent inability to allow adequate stacking of stopped vehicles matched
- > with the attendant obstruction of expected visual corridors.
- >
- > For example, as demonstrated by the attachment, if merely TWO CARS leaving
- > the proposed hotel on a busy weekend are stopped and facing in a northerly
- > direction ON DORCUS LANE, the second vehicle would IMPEDE THE ABILITY OF ALL
- > OTHER VISITORS TO THE PROJECT TO EITHER EXIT OR ENTER THE NEW DEVELOPMENT AT
- > ITS ONLY POINT OF ENTRY.
- >
- > The "back-up" of a mere two cars would also impede free movement of traffic
- > facing an easternly direction at the stop sign on Classic at Dorcas impeding
- > access for those seeking to make a right turn and approach the project's
- > only point of entry (and exit) on Dorcus Lane. In addition, each time the
- > five-way intersection has a mere "back-up" of two cars on Dorcas Lane, the
- > visual access to the point of entry to the project is impacted for any
- > vehicle seeking entry to the project from Dorcas Lane. And, the current
- > walkers and bicyclists that presently use this interchange would suffer even
- > greater impacts than those experienced by the auto traveling public.
- >
- > The disfunctional nature of the proposed five-way intersection at Dorcus
- > Lane would also adversely impact traffic patterns within the city. One can
- > easily imagine conversations of local residents that seek to visit the
- > Nehalem Bay State Park or their new house in the growing Highlands
- > subdivision regarding how to maneuver around what will then be known as an
- > area of traffic back-up created by the currently projected 300 trips per
- > day at this five-way interchange on busy summer weekends.
- >
- > POSSIBLE ALTERNATE SOLUTIONS: If one were planning this area using usual
- > and customary standards, it would certainly be most likely that the city
- > would create a new four-way intersection for entry and exit to the project
- > on Classic (not Dorcas Lane). Such A TRADITIONAL FOUR-WAY STOP COULD BE

> PLACED ON CLASSIC NEARER THE SOUTHERN BOUNDARY OF THE PROPOSED DEVELOPMENT  
> AT THE PRESENT ACCESS POINT SERVING THE NEW AND GROWING HIGHLANDS  
> SUBDIVISION AT SEAVIEW DRIVE.

>

> Or in the alternative, such a traditional four-way stop could be placed at  
> the mid-point of the proposed development along Classic at JACKSON that  
> serves the completed Classic Street neighborhood.

>

> Either of these alternative four-way interchanges locations would service  
> both the growing traffic volumes along Classic and measurably enhance future  
> driving safety along Classic Street, in contrast to proceeding with the  
> developer-suggested approach toward traffic management proposed by creation  
> of a project-specific drive-way induced creation of a five-way intersection  
> at Dorcas Lane and Classic.

>

> Certainly, the one drive-way solution is the lowest cost option for the  
> developer. But this five-way intersection plan does not align with existent  
> traffic planning goals and standards as would a traditional four-way stop  
> located on Classic. A usual and customary four-way intersection on Classic  
> at Seaview Drive or Jackson, which would also have the added benefit of  
> enhancing safety for auto drivers, bicyclists and morning and evening  
> walkers by slowing traffic speeds on this busy collector street.

>

> THESE TYPES OF ALTERNATIVE APPROACHES toward using four-way intersections  
> located adjacent to the proposed new development to meet the current and  
> projected future traffic needs of the area, not just the desired low cost  
> access desires of one developer, align with and following, detailed planning  
> WOULD MEET THE CITY OF MANZANITA ZONING GOALS that "The streets are adequate  
> to support the anticipated traffic and development will not overload the  
> streets outside the planned area", plus meet the goal of most city planners  
> of enhanced roadway safety for all users of the roadway by slowing the  
> general speed of traffic on connector roads such as Classic.

>

> CREATION OF A NEW TRADITIONAL FOUR WAY STOP ON CLASSIC will limit traffic  
> crowding and back-up while providing access that is visually clear and safe  
> vehicle access that one would expect to be associated with both the  
> existing, new and expanding as well as proposed developments on both the  
> north and south sides of Classic Street.

>

> DENSITY AND OPEN SPACE: With regard to public documentation that  
> specifically demonstrate compliance with the density and open space  
> standards outlined in MZO 3.030(4)(a), I COULD FIND NO REFERENCE TO WHAT  
> ONE WOULD CONSIDER USUAL AND CUSTOMARY SITE PLANS and preliminary  
> architectural drawings demonstrating the size, location and overall impact  
> of all planned buildings, parking areas and related vehicle and pedestrian  
> access THAT DEMONSTRATE FULL COMPLAINTCE WITH the required 40 percent OPEN  
> SPACE AND RELATED DENSITY STANDARDS.

>

> In my past commercial real estate life, completion, review, modification and  
> approval of the development drawings that demonstrated FULL COMPLAINT WITH  
> THE DENSITY AND OPEN SPACE REQUIREMENTS WAS A BASE LINE EXPECTATION within  
> the development review and approval processes. Unfortunately, I can find  
> no such public record demonstrating full compliance upon which to comment  
> and trust that the staff at the well-planned City of Manzanita will be  
> providing the public with such development drawings for comment prior to the  
> end of the current approval process.

>

> City Commission Members: As one who worked in the public realm for four  
> decades, I understand the difficulties associated with development project  
> review and compliance.

>

> Yet, given the present state of planning related to the proposed hotel  
> project, if I were to advise a developer client in the past (or, in this  
> instance, city commission members), my advice would be to create and  
> Refine a set of plans that clearly and convincingly demonstrate full  
> compliance with ALL legally required traffic, density and open space  
> standards. Or, the alternative is the ever present risk of the likelihood  
> of litigation  
> that inevitably follows inadequate planning. Such litigation often ends  
> (through unanticipated costs related to eventual future compliance or mere  
> delay) the ability to proceed with development.

>

> If you should have any questions related to our comments, feel free to  
> contact me via my email or cellular phone at 503-481-7774

>

> Gordon (and Jeannie) King  
> 161 Classic Street  
> Manzanita, Oregon  
> Cell 503.481.7774

>

>

>

>

>

>

> <Xerox Scan\_05252023123016.PDF>

> <Traffic-Intersection\_Dorcas-Classic-ManzanitaLofts.pdf>

**From:** cityhall  
**Sent:** Tuesday, June 6, 2023 3:34 PM  
**To:** City Planning  
**Subject:** FW: Contact Us message from City Of Manzanita Website

Nancy Jones  
Assistant City Recorder  
City of Manzanita  
PO Box 129  
Manzanita, OR 97130  
(503) 368-5343 Ext. 4



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**From:** City Of Manzanita contact form <[cityofmanzanitaoregon@gmail.com](mailto:cityofmanzanitaoregon@gmail.com)>  
**Sent:** Tuesday, June 6, 2023 2:51 PM  
**To:** cityhall <[cityhall@ci.manzanita.or.us](mailto:cityhall@ci.manzanita.or.us)>  
**Subject:** Contact Us message from City Of Manzanita Website

Name: Barbara Lee  
Email: [barblee1234@gmail.com](mailto:barblee1234@gmail.com)  
Choose Department: Planning Department  
Message: 661 Dorcas Lane or P.O. Box 338  
Manzanita OR 97130  
June 6, 2023

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

Dear Planning Commission:

Subject: Manzanita Lofts Project

The applicant, Mr. Vito Cerelli, is willing to reserve or dedicate 40 percent or 1.53 acres of the Lofts' site for open space or public or private park area or golf course. I gather a golf course has been ruled out at this point.

According to Mr. William Gumpenberger, Mr. Cerelli does not have the 40 percent of the land required to meet the minimum. The Planning Commission needs to take a careful look at the numbers Mr. Gumpenberger presented in his letter of June 3, 2023. In that letter, Mr. Gumpenberger noted Mr.

Cerelli is short 4,163 sq. ft. The Planning Commission represents the town of Manzanita and its citizens. The town of Manzanita and its citizens should not be taken advantage of by this proposed development.

Furthermore, the definition of "A park is an area of natural, semi-natural or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats." The information concerning the park Mr. Cerelli is offering should be nailed down. He cannot just offer a walking path through this property and call it a park. If his idea of a park is like his 1½ page application for his hotel, it should not float with the Planning Commission.

A park should look like a park to the public. The walking path or trail should be easily accessible to all types of people—younger people, older people (example senior citizens), people with disabilities. Also, bicyclists have been included. No one should be excluded.

Respectfully,

Barbara A. Lee

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Date: June 6, 2023

Time: 1:51 pm

Page URL: <https://ci.manzanita.or.us/contact/>

User Agent: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_15\_7) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/103.0.0.0 Safari/537.36

Remote IP: 47.25.244.163

Powered by: Elementor



Hello,

I'm new to this conversation, & will do my best to stay relevant. I've had limited ability to review this, but I respectfully request that my representation be provided for, whatever my limits. If this statement is not sufficiently relevant for today, please retain it for review at another time before this particular fight is over. I don't know what my capacities will be going forward; please don't take advantage of that.

Thank you for representing us and the common good in Manzanita with integrity. We do NOT have to swallow this! Believe, connect with higher values, and see that we DO still have choice. Take courage, be empowered - fear is a liar!

I may have less reference than most to the specific statutes here; please trust I have done my best to understand context here. With provisions in the Comprehensive Plan laying out its primacy, why is LUBA trying to force us to discern this issue without those?!

I've but a few minutes here, but I want to address, in addition to things citizens have already commented on, such as wetlands, traffic, other quality of life concerns: Workforce quality of life and housing. I understand some complexities of property rights & administration of affordable housing, so I know it's not as simple as we wish, but I want to urge you to avoid opening the wound further today, please. The law isn't meant to bludgeon those it is meant to protect and serve.

People come here to reconnect with what matters to them. Workforce here tries to facilitate a loving container for them, but we've been pouring from empty cups far too long. We feel bitter, burned out, & expected to hide it. Pressures have been increasing by the year, the rewards dwindling. There is no safety net if you burn out.

The workforce here feels taken for granted, beyond tired, exploited, with little relief in sight, & impending increases in pressure all around. Please help us, rather than trafficking us further into this energetic & physical exploitation! You may say leave, but it's more complicate than that - and you KNOW it. I wish I had time here to explain.

Even if this hotel DOES use staff (which it should, as the police should not be expected to let these profits be extracted from our community while externalizing costs this way): They better be legally required to set aside their own units for housing them.

PLEASE protect existing businesses, who have been keeping our community running (pandemic groceries, anyone? We risked our health & were not given rest to process, renew our energy...things taken for granted, by most). We don't need the staff we do have still holding on here in solidarity to be poached for staff without providing housing resources to allow more staff to live here - which this place could be well-poised to make accommodations for, & should, in order to benefit the community it hopes to profit from.

Key codes & dearth of staff or not, the pressure of 34 additional families or occupants here puts more pressure on retail & service workers who are already giving more than their fair share, & trying to keep a

smile on face, tears from their eyes. I wish you would come to where we are, if we can't show up at your meetings, & really take time to understand.

For today, it is enough to simply avoid opening the wound any further. This project is misaligned with common good here. Please believe it IS possible to defend our life quality, & do the right thing today.

Thank you. Sincerely. Warmly. With Hope.

Jennifer Lempa

160 Laneda Ave

PO Box 234

Manzanita, OR 97130

**From:** Jennifer Lempa <j.lempe.inspire@outlook.com>  
**Sent:** Tuesday, June 6, 2023 10:03 AM  
**To:** City Planning  
**Subject:** Comment on Carelli project, with constituent address included

Hi Planning Commission,

I am resubmitting my comment from before, but have included my address this time. I know it may appear to be less relevant due to merely referencing others' previous comments on specific policy items.

If need be, I just ask you please to read it & allow it to inform your general idea around such development, from a new perspective.

I believe you still have more power here than you may realize, but I respect your perhaps broader view, & trust you to operate with integrity in the best holistic interests of your constituent base.

I would really like us to make policy that holds legally to require inclusion of some permanent workforce housing in any projects of this sort (hotels, STR blocks, etc.) going forward.

Allowing people to pillage our wellbeing to extract profit while giving nearly nothing to support that wellbeing is bad policy. We need to step into a future that requires more respect for our overall needs ~ that says we all matter. Please help us do this.

Whatever happens with Carelli project, I hope you will regard this as at least general input for direction in future actions.

I hope you will appreciate that I jumped through hoops best I could at this time, & respect my right to representation with light accommodation, please. Not everyone is able in the same ways, but we all have broad value to contribute. What does it look like, to value & make space for inclusion of voices that normally stay relegated to the fringes?

Thank you for considering my input today.

Best,

Jennifer Lempa

160 Laneda Ave  
PO Box 234  
Manzanita, OR 97130

262.949.4797  
Get [Outlook for Android](#)

# Sean T. Malone

## Attorney at Law

259 E. Fifth Ave.,  
Suite 200-C  
Eugene, OR 97401

Tel. (303) 859-0403  
Fax (650) 471-7366  
seanmalone8@hotmail.com

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June 6, 2023

### Via Email

Manzanita Planning Commission  
PO Box 129  
167 S. 5<sup>th</sup> Street  
Manzanita, OR 97130  
[planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us)

Re: Oregon Coast Alliance Testimony on Remand – 698 Dorcas Lane application for 34-unit hotel

On behalf of Oregon Coast Alliance (ORCA), please accept this open record testimony for the above-entitled matter on remand.

As noted previously, the applicant alleges it will accept the applicability of the density requirement. Specifically, the applicant conceded that “[t]he applicant is willing to accept a condition of approval requiring that it dedicate the area shown in dark green on the Updated Site Plan as open space or a public or private park area.” ORCA emphasizes that the following language plainly applies to the application: “[t]he open space shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City.” MZO 3.030(4)(a). To “so indicate[] on the plan and zoning map” will require comprehensive plan and zoning map amendments. In order to ensure satisfaction of that criterion, the City must either find that the provision has not been satisfied (because no such amendment is proposed) and deny the application or the City must defer findings to a later stage where the public has an opportunity to comment, participate in a hearing, and be afforded the opportunity to appeal the decision (i.e., the same process that has been provided here). *See Rhyne v. Multnomah County*, \_\_ Or LUBA \_\_ (LUBA No. 92-058, July 10, 1992).

The alleged “park area” and “open space” simply does not satisfy a common understanding of those terms.<sup>1</sup> The proposal does not satisfy the common definition of those

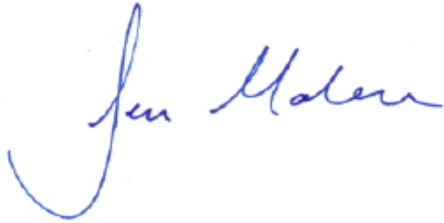
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<sup>1</sup> Neither of these terms are defined and therefore the ordinary dictionary definition should apply. “Park” is defined as “a large public green used for recreation.” A common definition of “open

terms. For example, the open space and park contains a long strip of narrow dark green abutting buildings. Other portions of alleged open space and park include entire building – six buildings, in fact. Open space should not include buildings and narrow areas immediately adjacent to buildings. In other areas, the alleged open space and park are no wider than the proposed sidewalk. Again, this is inconsistent with the common understanding of what is meant as an open space and park. I also refer the Planning Commission to the letter from William Gumpenberger, dated June 3, 2023, which indicates that the applicant has not satisfied the 40% standard. The application must, therefore, be denied.

Finally, if the applicant submits new information or evidence about the 40% standard, then opponents must be given an opportunity to respond. If not, opponents will have been precluded from making their case before the Planning Commission.

Sincerely,



Sean T. Malone  
Attorney for Oregon Coast Alliance

Cc:  
Client

---

space” is urban areas of protected or conserved land on which development is indefinitely set aside.”



**From:** Jim Miller <ducbucln@gmail.com>  
**Sent:** Tuesday, June 6, 2023 3:01 PM  
**To:** City Planning  
**Cc:** Leila Aman; Jenna Edginton; Jerry Spegman; Linda Kozlowski; Deb Simmons; Brad Mayerle  
**Subject:** CONTINUATION OF THE REMAND OF A LAND USE BOARD OF APPEALS DECISION

Planning Commission, City Council, and City Manager

Since the applicant is being allowed to submit additional information demonstrating that "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", the public must be allowed to review this additional information prior to the continuation of the meeting on June 16. Since this additional information has not been provided online as of 3 PM June 6, which is the last day the record being left open, the citizens have no way of providing comment to this additional information.

The Manzanita city council and city manager are trying to get citizen involvement and supposedly listening to the citizens, but in this instance, we are not getting the opportunity.

If you truly want involvement, allow us to view the applicant's additional information and give us up to June 16 to provide written comments since oral commentary is not being allowed.

Please add this to the record.

Thank you,  
Jim Miller

**From:** Laura Milne <lwmilne@outlook.com>  
**Sent:** Tuesday, June 6, 2023 4:41 PM  
**To:** City Planning  
**Subject:** Comment on Manzanita Lofts

Greetings,

Since the applicant is being allowed to submit additional information demonstrating that "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", the public must be allowed to review this additional information prior to the continuation of the meeting on June 16. Since this additional information has not been provided as of June 6, which is the last day the record being left open, the citizens have no way of providing comment to this additional information. The Manzanita city council is trying to get citizen involvement and supposedly listening to the citizens, but in this instance, we are not being given that opportunity.

If you truly want involvement, allow us to view the applicant's additional information and give us up to June 16 to provide written comments since oral commentary is not being allowed.

Respectfully submitted,

Laura Willingham Milne  
303 Jackson Way  
Manzanita

**From:** L Olson <l.r.olson@comcast.net>  
**Sent:** Tuesday, June 6, 2023 5:26 PM  
**To:** City Planning  
**Subject:** Cerelli Proposed PUD

Dear City of Manzanita Planning Commission Members,

I'm writing in regard to the proposed PUD for a 34-unit hotel at 698 Dorcas Lane.

Several people have taken the time to calculate the exact area required to be reserved as a public or private park using the total acreage and the 40% requirement and have found that the numbers presented by the applicant do not add up. According to MZO 3.030(4)(a), forty percent, a total of 1.53 acres, must be reserved or dedicated as permanent open space such as a public or private park area or golf course. Sixty percent, 2.3 acres, may have dwellings clustered on one portion of the site within the SR-R zone and achieve a maximum density of 13 dwellings per acre, allowing for 29.9 dwellings on this property, not the 34 dwellings that has been submitted for approval by the applicant.

During the Planning Commission hearing held on May 30, the applicant stated he planned to have a walking trail starting from the property directly across from Sea View and running the length of the site to Dorcas. It is very difficult to imagine how a trail in this area is even possible considering the steep drop off from Classic Street down to the property and the water runoff issues. Considering the amount of errant golf balls that slice through that area, it's not a safe place for a public trail even if there was some way to make it accessible.

The applicant is allowed to submit additional information showing that at least 40% of the parcel is reserved or dedicated as a public or private park, yet the public has not seen this new information prior to the deadline for written public comments and oral comments from the public are not allowed during the hearing on June 16. This seems to favor the applicant by withholding information from the public.

It is very telling that there was not one person who has spoken in favor of this development, yet there were many who have spoken and written in opposition. The Planning Commission should again deny this application as it does not meet the density standards.

Sincerely,

Linda Olson  
281 Jackson Way

**From:** Bonnie Savickas <bonniesavickas@yahoo.com>  
**Sent:** Tuesday, June 6, 2023 7:19 PM  
**To:** City Planning  
**Subject:** Manzanita Lofts

The applicant cannot meet the required 40% of park area, public or private, without substantial infrastructure, planning, and proof. His application must be denied.  
Many Many Many of us have expressed our concern through emails -  
Letters & large number of signatures from Manzanita citizens over this albatross Loft project being built on the signature hole of our golf course - traffic -  
Congestion - project not fitting in with the athletics of a tranquil residential neighborhood!  
Once again we r asking u to think of the ramifications this development would have on our town - our neighborhoods- and our traffic! This project does not belong in our town -  
As citizens we are all hoping u will take into consideration our concern & the negative impact these lock & leave units will have on our community - these lofts will not add value or beauty to our town!!!!  
Respectfully  
Dan & Bonnie

Sent from my iPhone

**From:** Sandy Wood <columbiagrove@msn.com>  
**Sent:** Tuesday, June 6, 2023 4:35 PM  
**To:** City Planning  
**Cc:** Deb Simmons; brad mayerle; Jenna Edginton; Jerry Spegman; Linda Kozlowski; Leila Aman; City Of Manzanita  
**Subject:** Manzanita Lofts testimony

I am writing in opposition to the Manzanita Lofts project.

I am in agreement with testimony\letters sent by Jim Miller, Mica Russell, Bill Grupenberger, Paul Hughes, Barbara Lee, Yvana Lovino, Cameron La Follette, Sean Malone.

Without the plans, promised by the attorney for the project in 10 minutes at the last hearing, we have no way of knowing what the 40% "park" design is. Pretty drawings don't work.

If the applicant cannot produce the plans, and have them available to the public, we cannot make accurate observations or objections to those plans in the time required.

We, as the public, have the right to see and comment on the plans before the end of the 7 days, and before the hearing on June 16. If oral arguments aren't allowed, we need time to provide written comments.

At this point, the applicant cannot meet the required 40% of park area, public or private, without substantial infrastructure, planning, and proof.

He has not met the density standard.

His application MUST be denied.

Again, the city works for the public, not for the developer.

Sandy Wood

Sent from [Mail](#) for Window

**From:** Mica Russo <mica.f.russo@gmail.com>  
**Sent:** Wednesday, June 7, 2023 2:14 AM  
**To:** City Planning  
**Cc:** Sean Danaher  
**Subject:** Open Record: Manzanita Lofts PUD Application  
**Attachments:** [Proposed Trail\\_Manzanita Lofts\\_06.06.key](#)

To the Planning Committee:

I write this letter as a resident of Manzanita, a potential neighbor of the proposed Manzanita Lofts, and an avid runner and walker on Classic Street. I listened to the May 30th hearing and spoke during the public testimony with fellow neighbors. Following the Planning Commission's discussion until the end, it was made clear that the Planning Commission would leave the record open for 7 days (through June 6) to receive additional documentation from the applicant and testimony from any party regarding the following reasons:

1. To demonstrate that "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..." as well as demonstrate how the proposed trail may provide an alternative route for pedestrian and bicycle traffic on nearby streets. Any party may submit new evidence relating to these items.
2. To provide new argument, but not new evidence, from any party during the open record period in response to any testimony that the party believes may have occurred during the Planning Commission's deliberations.

In listening to the Planning Commission's discussion, it was clear that many questions remained regarding the first point. The range of questions posed clearly shows the lack of specific information provided by the applicant and this has been a voiced concern by the community — there are simply not enough details in this proposal to meet the burden of proof required for approval.

***Demonstrate Proposed Trail to Provide Alternative Route for Pedestrian and Bicycle Traffic***

Sean and I walked the proposed trail on the applicant's site map and have compiled photos and video to demonstrate key issues that have not been addressed by the applicant. The Keynote is attached to this email and labeled "Proposed Trail\_Manzanita Lofts\_06.06."

On the site plan, I will address 7 areas of concern regarding the shared use pathway:

1. The Manzanita Loft Path begins at Ridge Road. Directly in line with the proposed entrance on the corner is a major storm management system that consists of hillsides, rocks, and drains. Further down the road, the pathway would bisect a hillside directly below a private residence. Is the land that belongs to the homeowners or to the City? How would such an installation affect the homeowners?
2. As the proposed path begins down Classic Street, the hillside slopes to the road with no flat area adjacent to the road. The pedestrian in the video must walk on the road due to the slope. Considering the use cases for this public pathway, the pathway would likely need to support pedestrians and bicycles going both directions and would hopefully abide by ADA accessibility requirements. To do all these things, the pathway would need to be substantially wide and crafted with specific materials (not simply



crushed granite or other undefined composites).

3. At the intersection in which the Highlands community could access the public path, the hillside dives down to the left. The area between the drop-off and the road is skinny — safety for travelers would be of great concern, as well as worries regarding path erosion due to weather and impact of use.

4. Because the proposed path does not extend for the entirety of Classic St., it plans to descend to the Manzanita Lofts private property. On the site plan, the path curves down to meet the hotel's driveway. Without any elevation measurements, it is impossible to tell how the applicant plans to mediate the extreme descent. Two images are included to show game paths in the same area — though not an exact measurement, it's clear the paths are no less than a 40% slope. Again, materiality and trail reinforcement would be essential for safety.

5. This shows a video view of the same area where the path purportedly leads to the driveway. It's hard to even stand near the edge of the hillside to take a video due to the extreme slope.

6. Once the proposed path descends down the slope, it merges with the asphalt driveway of Manzanita Lofts. The driveway seems to be shared with vehicles coming and going and parking from the motel, hotel or group cottages. As a pedestrian, this would be a starkly unpleasant transition from a more natural path. As a member of the public, it would be strange to walk past hotel rooms and cottages to be able to get to Dorcas Ln. or Laneda.

7. And finally, since the pedestrian path has merged with the driveway, then it is assumed that all pedestrians and hotel guests would use the same entrance / exit as the vehicles driving into Manzanita Lofts (since there's no path leaving the hotel area). This seems especially concerning, considering the congestion of pedestrians coming from Laneda, Dorcas, Classic Street Cottages and the hotel, all around additional traffic from the hotel.

I can only speak to what I see on the site plan. If the applicant submits a new site plan, then it would be remiss of the Committee to disallow a public response. I've done this work to report from the ground on how walking the currently proposed pathway would feel cramped, steep, and crowded. The outstanding specifics that are missing from the site plan do not help the applicant's case.

In conclusion, please reference William Gumpenberger's letter calculating the percentage of park space on the applicant's site map. There are issues with the trail starting at Ridge Road and Classic Street. The applicant has no land at this point and would require an easement from an individual residence or the city (Classic Street) to have his trails start at this point. There is a severe change of topography in Area C at the point across from the Highlands Rd that will require switch backs and water runoff mitigation. When considering these barriers, William has made his point clear by demonstrating that the application falls short of the 40% park space required.

Building a trail requires serious engineering and planning for the safety of pedestrians. A new path sounds nice; but without such considerations, it will not solve the traffic issues nor ensure safe use for pedestrians. This proposal should be denied.

#### ***Open Space as a Public or Private Park***

According to MZO 3.030(4)(a) Density Standard:

1. 40% of the total lot or parcel area must be reserved or dedicated as **permanent open space as a public or private park area** or golf course.
2. 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.

As the commissioners questioned the applicant during the May 30th hearing, what is the definition of a "park?" To be clear, the applicant should not be the one to define a park to suit his liking. And since the City of Manzanita does not define a park, then we must refer to the plain dictionary definition. "Park" is defined as "a piece of ground in or near a city or town kept for ornament and recreation," or "an area maintained in its natural state as a public property."

I refer to Sean Malone's letter, on behalf of ORCA:

The alleged "park area" and "open space" simply does not satisfy a common understanding of those terms. The proposal does not satisfy the common definition of those terms. For example, the open space and park contains a long strip of narrow dark green abutting buildings. Other portions of alleged open space and park include the entire building – six buildings, in fact. Open space should not include buildings and narrow areas immediately adjacent to buildings. In other areas, the alleged open space and park are no wider than the proposed sidewalk. Again, this is inconsistent with the common understanding of what is meant as an open space and park."

As Commissioner Christ and Commissioner Squillo identified on May 30th, if this 40% is to be defined as a park, as required, will it have park-like features? Will it be clearly set aside for recreation (flat and open for tossing frisbee, laying picnics, running around playgrounds)? Or, if the site plans to provide a "natural" park, has the applicant consulted an expert such as Oregon State Parks or a landscape architect specializing in parks to plan for the amenities he would need to establish this area as a park?

If the park is public, how will pedestrians walk through private hotel grounds? As of now, the walkways in front of the hotels and cabins are included in the 40%; however, in practice, how will it feel to be a guest with the public walking by your window? Will there be public bathrooms? Will the pathways be ADA-accessible? Will the pathways be bike accessible? Will the open spaces allow for dogs? On- or off-leash? What hours will the park be open?

As Commissioner Reddick-Yurka pointed out, the park could be made private as a wildlife refuge. Though, I can only imagine there is substantial research to be done to show how such a space could be habitable for animals: Are there signs indicating wildlife to the hotel guests? Are there fences or gates? Are there precautions being taken for sharing recreation space with wildlife, such as bear-proof trash cans? Has the applicant consulted with local conservation organizations to prove that such an environment would effectively reserve habitat for wildlife?

Finally, a park cannot include parking spaces — as Commissioner Mannon addressed, the current spaces allotted for parking do not meet the need and the applicant has not addressed where additional land would come from to fill such a need. The applicant may say he has 40% of park space allotted, but who's to say he won't cut into his 40% of open space for parking when the land has not been delineated nor deed restricted at the time of approval?

The planning commission should deny the approval of this project again because it does not meet the 40% requirement of public or private park space.

***In Response to Any Testimony that May have Occurred During the Planning Commission's Deliberations***

"The Planning Commission will also accept new arguments, but not new evidence in response to any testimony that the party believes may have occurred during the Planning Commission's deliberations."

I'll be honest, I do not know exactly what this means, but if I shall respond to the PC's deliberations, I would like to address the conversation on "harmony." While the PC has already voted and "harmony" is no longer an issue to consider, I do feel it's important to point out that LUBA presented two ways to interpret the remand: the public chose one interpretation, and the PC chose the other.

The PC chose to interpret the ordinance as "the area around the development can be planned to be in substantial harmony with the proposed plan" for future developments in the area. None of the public testimony interpreted the ordinance this way, so there was no commentary from the public to argue for the risks posed to future developments.

It's fine that the PC chose to read the ordinance that way; however, because the interpretation was decided during the May 30th meeting, it seems only natural that the public would like to use the PC's interpretation of the remand and submit commentary in line with that new reading of the rule.

In the same spirit, if the applicant submits new site plans to account for 40% of open space as park and the trail to alleviate pedestrian traffic, then the public should be allowed the opportunity to respond.

I refer to Jim Miller's and Sean Malone's letters:

"Since the applicant is being allowed to submit additional information demonstrating that "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", the public must be allowed to review this additional information prior to the continuation of the meeting on June 16. Since this additional information has not been provided as of June 6, which is the last day the record being left open, the citizens have no way of providing comment to this additional information. The Manzanita city council is trying to get citizen involvement and supposedly listening to the citizens, but in this instance, we are not being given that opportunity.

If you truly want involvement, allow us to view the applicant's additional information and give us up to June 16 to provide written comments since oral commentary is not being allowed."

"Finally, if the applicant submits new information or evidence about the 40% standard, then opponents must be given an opportunity to respond. If not, opponents will have been precluded from making their case before the Planning Commission."

Finally, please read the recent article *Manzanita Planning Commission Meeting Sparks Community Concerns Over Proposed Development* in the Tillamook Pioneer ([link](#)). The coast is watching Manzanita, and we are asking the Planning Commission to vote no and deny the application for Manzanita Lofts once again.

Thank you,  
Mica Russo & Sean Danaher



# Manzanita Lofts: Key Issues of Proposed Path that Runs Parallel to Classic St.

11251 SE 232nd AVE



DAMASCUS, OR 97089

MANZANITA RETREAT

TAX LOT:  
3N 10W TAX LOT 2600 + 2100

SITE PLAN

Drawn By  
TL  
5/18/2023 10:31:52  
AM

Drawing Index  
No. Date Description

SITE



1 SITE PLAN  
1" = 60'-0"

NOT FOR CONSTRUCTION

5/18/2023 10:31:52 AM



1

Manzanita Loft Path at Ridge Road: Note slope and major storm management system in the same location as the proposed entrance to Manzanita Loft's path.





2

Ridge Road to Classic: St.: Note proximity to roadway and extreme slope from upper residences. Consider how wide this path would need to be to accomodate pedestrians, cyclists, and ADA accessibility.



Click to Play Video





3

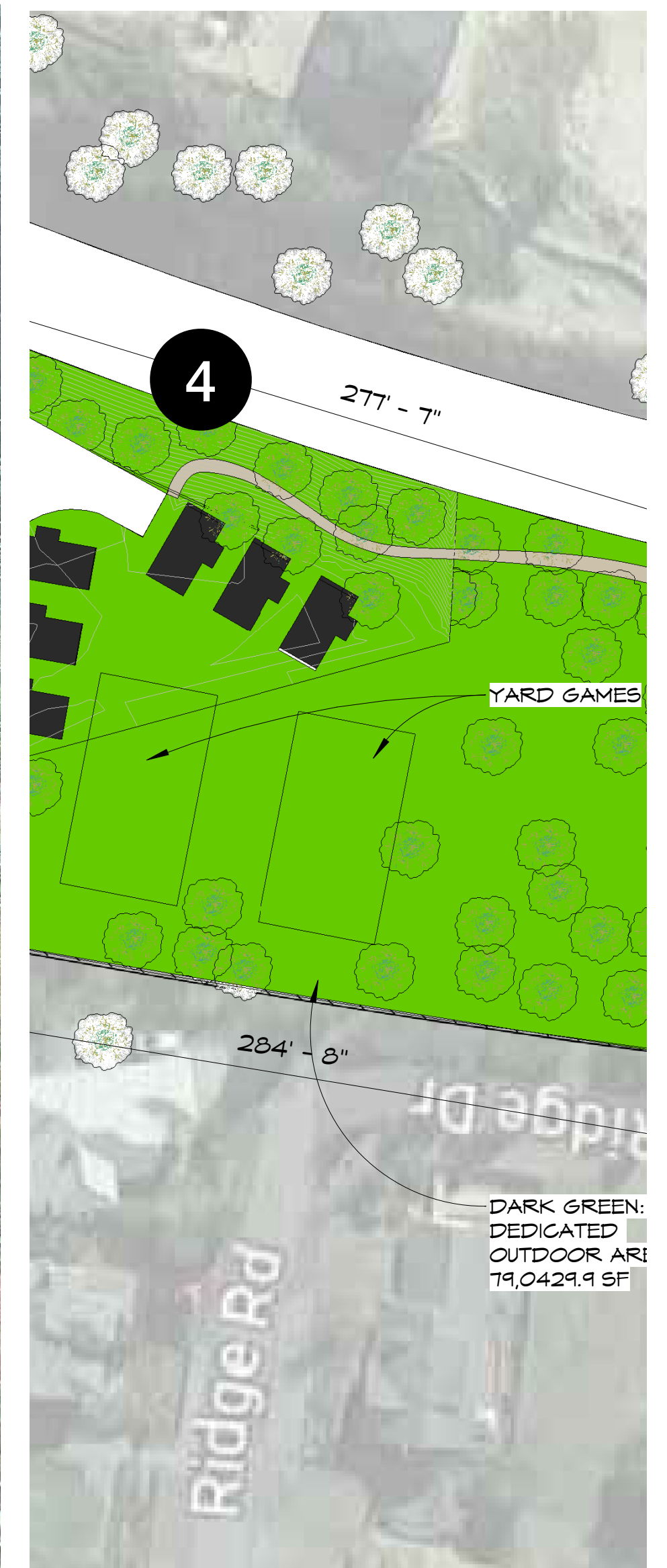
Classic St. Below the Highlands: Note the extreme slope to the left and the road to the right. In these conditions, path width and material would be critical for safety and erosion.





4

Path to Manzanita Lofts: Note the path's descent necessary to reach Lofts. Note the lack of elevation provided in the site plan. The existing game paths are no less than a 40% slope.





5

Path to Manzanita Lofts: Again, note the drop-off from the road. This video was taken beneath the home overlooking the area where the path would lead to the parking lot.



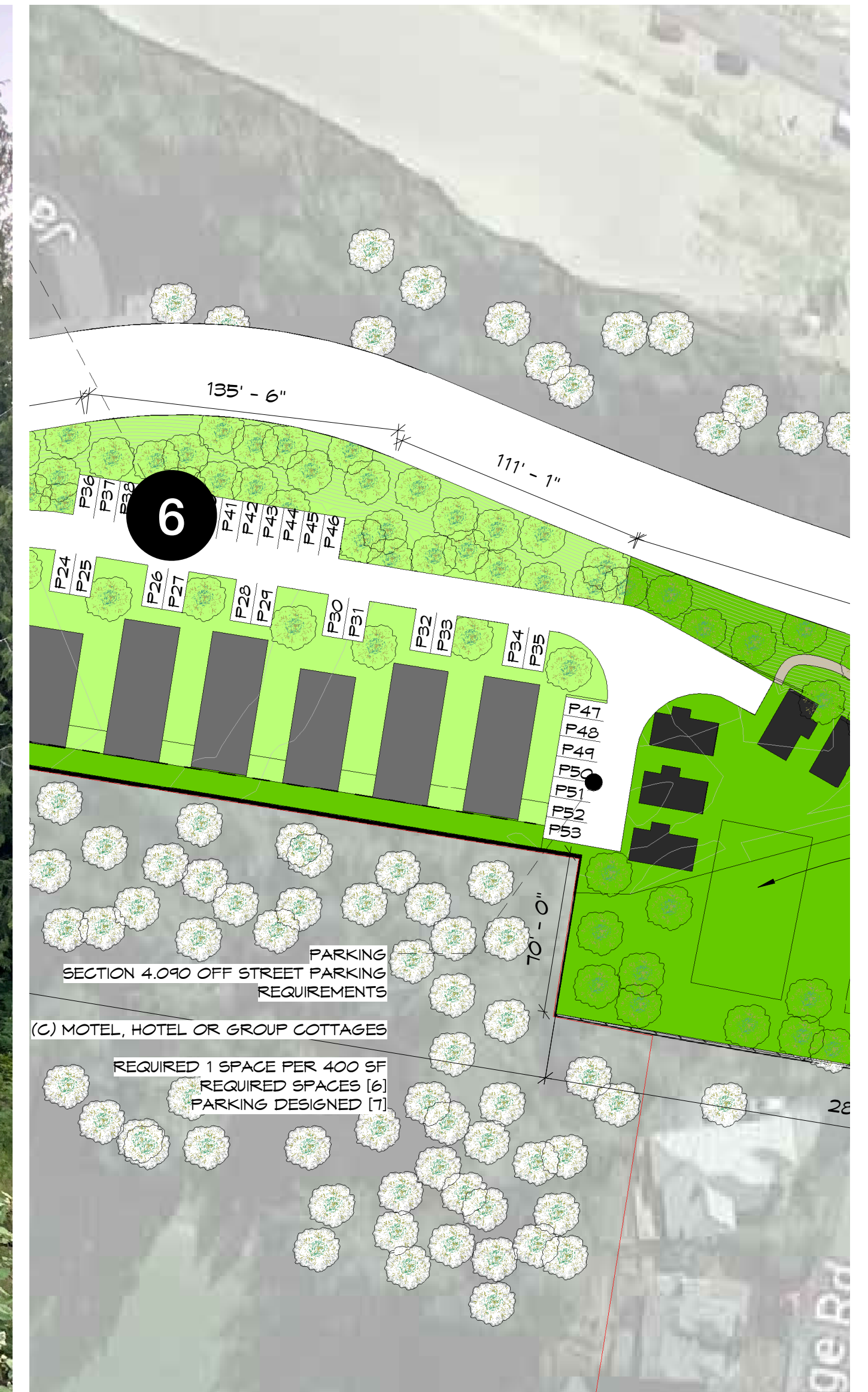
[Click to Play Video](#)





6

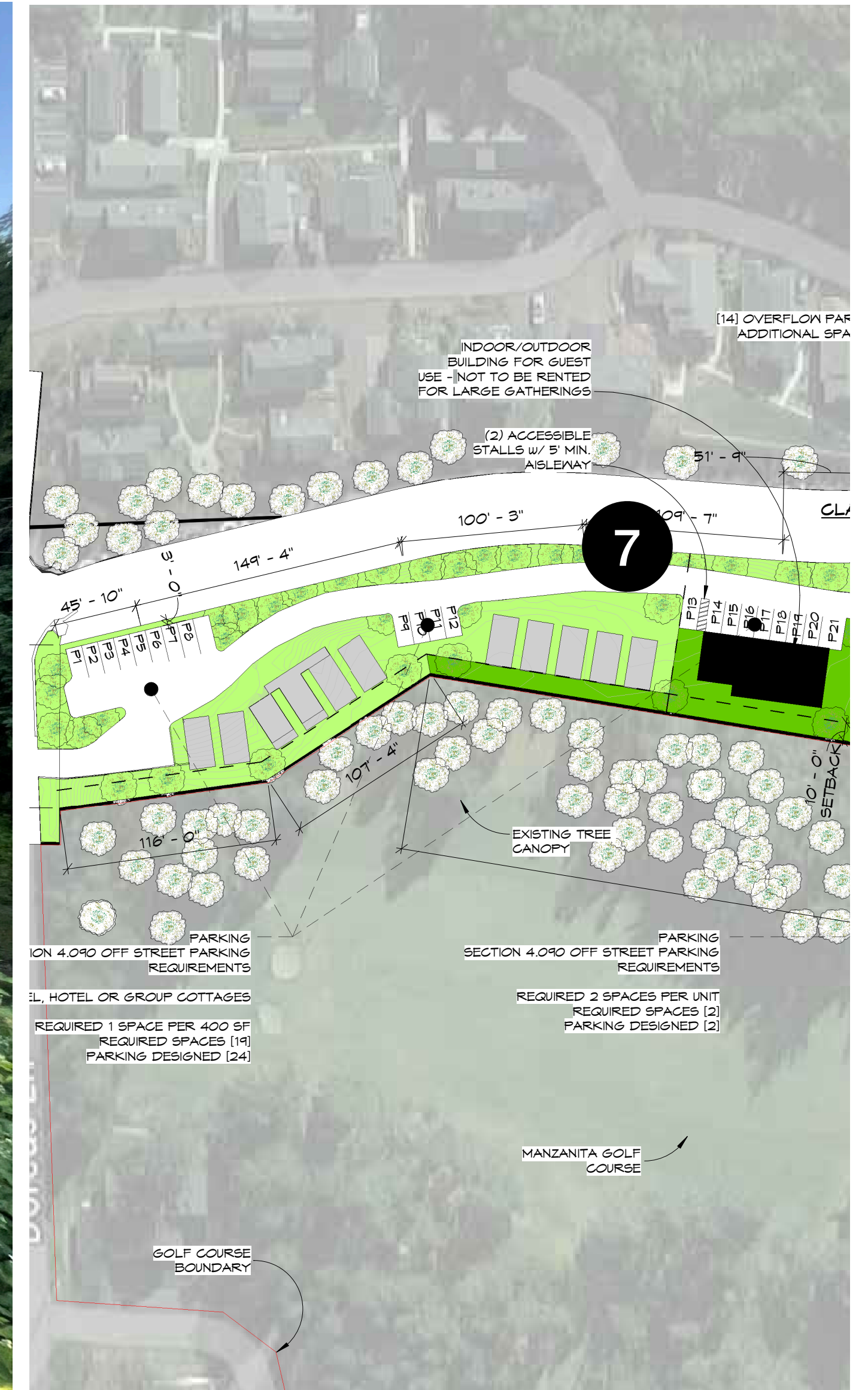
Manzanita Loft Driveway Path: In this area, the path plans to descend from Classic St. and merges with the asphalt driveway to go through the private parking lots, motel / hotel, and group cottages.





7

Manzanita Loft Driveway Path to Dorcas Ln.: According to the site plan, it appears that pedestrians and hotel guests walking from Laneda, Dorcas and Classic St. will use the same entrance as the vehicle entrance / exit on Dorcas Ln.





**From:** Jeffrey Sonshine <jeffrey.sonshine@gmail.com>  
**Sent:** Wednesday, June 7, 2023 4:41 PM  
**To:** Building  
**Subject:** Manzanita Lofts

Dear Planning Commission,

I wanted to voice my comment and add it to the others in opposition to the development on Classic and Dorcas Streets. My wife Ruth and I live full time on Lakeview Drive and daily drive down Classic, through Dorcas and turn right on Laneda to get to the Pacific Coast Highway; 101. I can't add anything substantial to the comments thta have already been made however I want to have my say as well.

I can't see how a 34 unit or 41 unit development will fit into that tiny piece of property most of which is on a steep decline. The fact that there will be kitchenettes in each unit and no manager on site tells me that this is no hotel. In addition to the units there are proposed 55 or 60 parking sites, an event space with kitchen and a roadway running the length of the property. This looks like way too much development for the tiny spit of land.

The corner of Dorcas and Classic and Jackson will be subject to much more traffic. Anyone from that Lofts development who gets in their car will be driving onto Highway 101. Theres no other reason to get in your car. They'll all be driving down Classic and Laneda and turning on the highway. It seems like a lot more congestion to me.

And what is the city getting out of it? Are we getting new roads, new sewers or another park? I haven't heard the developer offering much to the City Of Manzanita. This land is more appropriate for a few houses and why it wasn't rezoned after the golf course was sold, I don't know.

I also use the golf course multiple times each week and I live on the 4th hole of the golf course. That property can't be built without removing many of the trees along the eastern side of the 5th hole. If a tenant/short term dweller gets hit by a ball it could be a legal liability. It doesn't seem like there is enough buffer around the side of the golf course or off of Classic for a hotel development..

This town is developing property at a crazy rate. I'm not even talking about the 26 planned units on 3rd street which I walk on daily. It's going to be an asphalt jungler.

Thank you for your consideration.

Jeffrey

--

Jeffrey Sonshine, CFP®  
PO Box 692  
Manzanita, OR 97130  
973-441-1115

**From:** Yvana Iovino <yvana.iovino@gmail.com>  
**Sent:** Wednesday, June 7, 2023 9:22 PM  
**To:** Leila Aman  
**Cc:** City Planning  
**Subject:** Public needs time to respond to New Evidence submitted by Manzanita Lofts applicant

Dear Ms. Leila Aman,

I'm writing to you in regards to the City of Manzanita's Planning Commission and its recent remand hearing on May 30.

At the conclusion of the hearing, the record was left open for written comments from the public for seven days through June 6.

What is at issue, though, is that the applicant submitted **NEW EVIDENCE** (I thought this wasn't permitted) on the same day, June 6, that the record was closed. The public, therefore, was not afforded an opportunity to review this **NEW EVIDENCE** in a reasonable manner and present an updated case to the Planning Commission.

I respectfully request that the record remain open for an additional seven days through June 13. The record would be constrained to written responses from the public and would be in response to the applicant's updated information (density, 40% standard).

Sincerely,

Yvana Iovino

**From:** Yvana Iovino <yvana.iovino@gmail.com>  
**Sent:** Friday, June 9, 2023 8:25 AM  
**To:** City Planning  
**Cc:** Leila Aman  
**Subject:** Testimony Responding to New Evidence Submitted June 6 by Applicant for 698 Dorcas Lane Application (Manzanita Lofts)

June 8, 2023

Via Email

Manzanita Planning Commission  
PO Box 129  
167 S. 5th Street  
Manzanita, OR 97130  
[planning@ci.manzanita.or.us](mailto:planning@ci.manzanita.or.us)

Dear Planning Commissioners,

Please accept this open record testimony regarding the remand– 698 Dorcas Lane Application for a 34 unit hotel. This is an addition to my first letter, dated June 6, because of the new evidence submitted on June 6 by the applicant.

Let me list some *more* reasons why this application must be denied:

(1) This is the **same** application that was denied by both the Planning Commission and the City Council and for good reason. **Nothing** has changed from the applicant's first attempt at getting his proposal approved. We still don't know much about what he is planning to do. He won't give us enough information regarding what is in the units that he is building thus the continuing controversy about "dwelling units". The Planning Commission cannot accept a 2 page application for the largest hotel complex in Manzanita history. The citizens of Manzanita deserve better. They deserve that the applicant re-submit an application that is complete.

Force the applicant to **bear the burden of proof** and to produce a complete, detailed application that fully meets the City's zoning ordinance criteria and allows for the Planning Commission to exercise its discretionary authority as required by law.

(2) **Don't be fooled by the pretty pictures.**

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.”

In this new layout that the applicant has created, the dark green areas that are supposed to comply with MZO 3.030(4)(a) is a trail that seems to cut into the slope that is now being held up by dense blackberry bushes. How is this a park?

Park is defined by **Merriam Webster** as “land that often includes lawns, woodland and pasture”.

**Collins English** dictionary: “a park is a public area of land with grass and trees where people go in order to relax and enjoy themselves”.

**Oxford English** dictionary: “a large public green area used for recreation”

It is **NOT** a thin strip of land with a trail running through it on a slope currently populated with blackberry bushes. Is that what he proposes to leave “in its natural state”??

And is he getting around the question of the park being one piece of contiguous land by offering a continuous thin strip of trail?

His lawyer, Mr Peterson, wrote: “it is worth noting that while the proposed open space is in fact contiguous, the City has not in the past required contiguity. See, e.g., the fractured and non-contiguous open space in the Classic Street Cottages”

Mr. Peterson, that is why we formed the Concerned Citizens of Manzanita. Laws and Ordinances were not being followed or upheld. We need to change that.

Please look at the pictures of this area at the end of this letter to see the steep blackberry slope that is going to be the “park”.

### (3) **Safety**

I’m still concerned about safety. The applicant shows on his plan that he is going to take out “plus or minus 25 trees” (I’m guessing plus). These are large towering pine and fir trees. They act as a barrier against the golf balls that slice to the right on that signature 5th golf hole. Please see the pictures included of that panoramic view that has made Manzanita Links famous.

Look up these court cases: McGuire vs New Orleans City Park

Gleason vs Hilcrest Golf Course

Sierra Screw Products vs Azusa Greens, Inc

Eckerstrom vs Gearhart Links

(And this is just me googling golf injury cases due to removed barriers. I’m sure there are many more cases.)

In all of these cases a passer-by was hit and severely injured by an errant golf ball due to the golf course removing natural barriers that would have protected the claimant.

By cutting down these trees, not only is the applicant exposing hotel guests to potential injury but now with a trail on the blackberry slope, he is exposing the runners and dog walkers as well. This will be a thoughtless and inconsiderate and potentially liable action if carried out.



The Tillamook Pioneer article <https://www.tillamookcountypioneer.net/manzanita-planning-commission-meeting-sparks-community-concerns-over-proposed-development/>

ends by saying "As the community waits for a decision, the future of Dorcas Lane hangs in the balance."

I say the future of Manzanita as imagined by our Comprehensive Plan hangs in the balance.

The Manzanita Comprehensive Plan stated their goal to be:

"To guide the development of land so that land use is orderly, convenient, and suitable related to the natural environment. The uses must fulfill the needs of residents and property owners, and be adequately provided with improvements and facilities.

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.

The City should consider efforts to preserve trees in the existing residential and commercial areas of the community."

The community has spoken and written in opposition to this proposed project. We believe it will not make a positive contribution to the quality of life nor is it harmonious with the coastal environment.

The Planning Commission **MUST** uphold the prior decisions made by the Planning Commission and the City Council and deny this project as currently proposed.

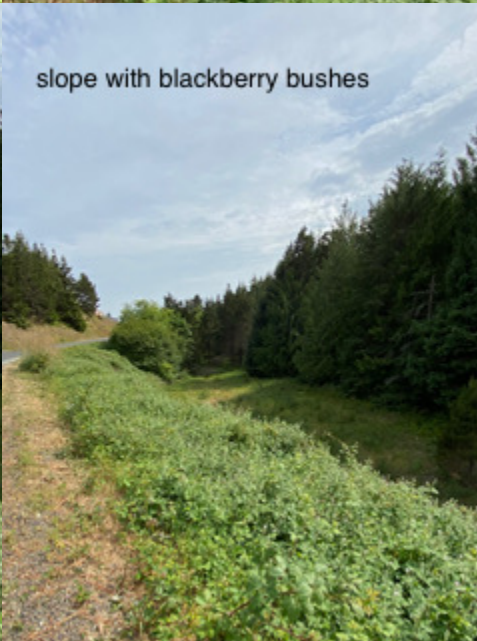
Respectfully,  
Yvana Iovino

352 Jackson Way  
Manzanita, OR

panoramic view of tree barrier as seen from the  
5th hole at Manzanita Links



Large Trees  
that will  
probably be  
removed



slope with blackberry bushes



**From:** janet carter <carterjanet921@gmail.com>  
**Sent:** Friday, June 9, 2023 12:00 PM  
**To:** City Planning; Leila Aman  
**Subject:** Deny Lofts application

I am so frustrated!

Does it not matter that in two hearings no one has supported the development?

Why do we have a comprehensive plan for our city's overall guidance if it cannot be used in our consideration of this application?

Why does a developer have more room to maneuver than the citizens of the city in this instance?

I am not against a hotel. A hotel adds needed tax base. There are sites in our commercial district that are appropriate for a hotel, and it seems important to keep commercial developments in our commercial zone..

The property in the buffer zone between the golf course and Classic Street is not an appropriate site for all the reasons many people have already given. Golf balls land on several of our properties in Classic Street Cottages.

Why does the zoning code that mentions necessary harmony between the proposal and surrounding area, that gave us hope in our arguments, turn out to be useless? Why, then, is harmony even mentioned in the code?

Why isn't the idea of harmony between humans, animals (whose territory we keep encroaching upon) trees for beauty, clean air, soil conservation, habitat, always a top consideration in any development consideration?

Please do not bow to the weak argument that the harmony part of zone code being looked at is written incorrectly so isn't helpful in our argument. Please keep the importance of harmony in sight, and don't get lost in the lesser importance of semantics.

Sincerely,

Janet Carter  
372 Jackson Way  
Manzanita