

June 12, 2023

Jim Miller
363 Jackson Way (Classic Street Cottages)
Manzanita, OR 97130
ducbucln@gmail.com

City of Manzanita Planning Commission
VIA EMAIL: planning@ci.manzanita.or.us

Dear Planning Commission,

In the LUBA decision on page 24 and 29 it was determined that:

"The city council's brief findings on the Density Standard do not include a reviewable interpretation of all of the relevant MZO provisions, so we cannot determine why the city council concluded that the Density Standard could apply to petitioner's proposal, if it in fact did reach that conclusion. Second, the city council did not conclude that the hotel units are dwelling units."

"...a determination regarding application of the Density Standard to the proposal should be undertaken after receiving the referenced additional information on the specific level of improvement."

I believe you must conclude the units are dwellings based on the following and that it applies to this application in a defensible way. This is necessary to apply the Density Standard MZO 3.030(4)(a) for this proposal.

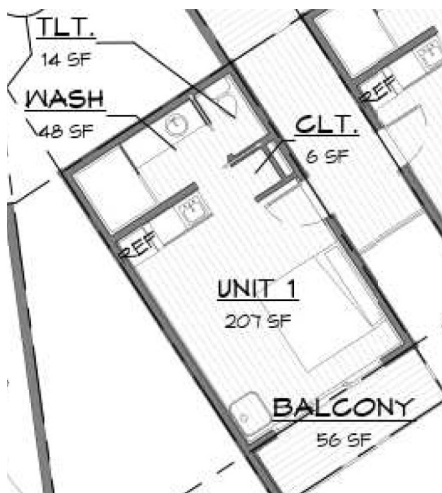
MZO 1.030: Dwelling Unit Definition:

Means one or more rooms occupied, designed, or intended for occupancy as a separate living quarters, and containing four (4) or more of the following:

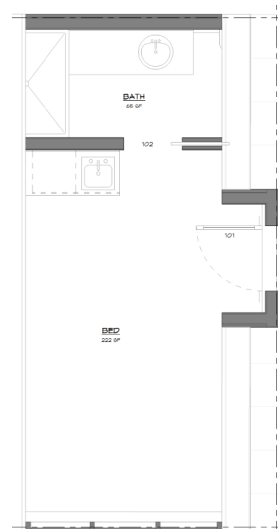
- ♣ refrigeration
- ♣ cooking facility (including cooking stove, hot plate, range hood, microwave, or similar facility) or wiring or venting to support same
- ♣ dishwashing machine
- ♣ sink intended for meal preparation (not including a wet bar)
- ♣ garbage disposal
- ♣ toilet
- ♣ shower or bathtub

If you look at the floor plans provided by the applicant included in the Planning Commission meeting on May 16, 2022, it can be determined that the hotel units and cabins have the required number of items to qualify as a dwelling unit. The floor plan for the micro-cabins is inconclusive since a toilet isn't even included.

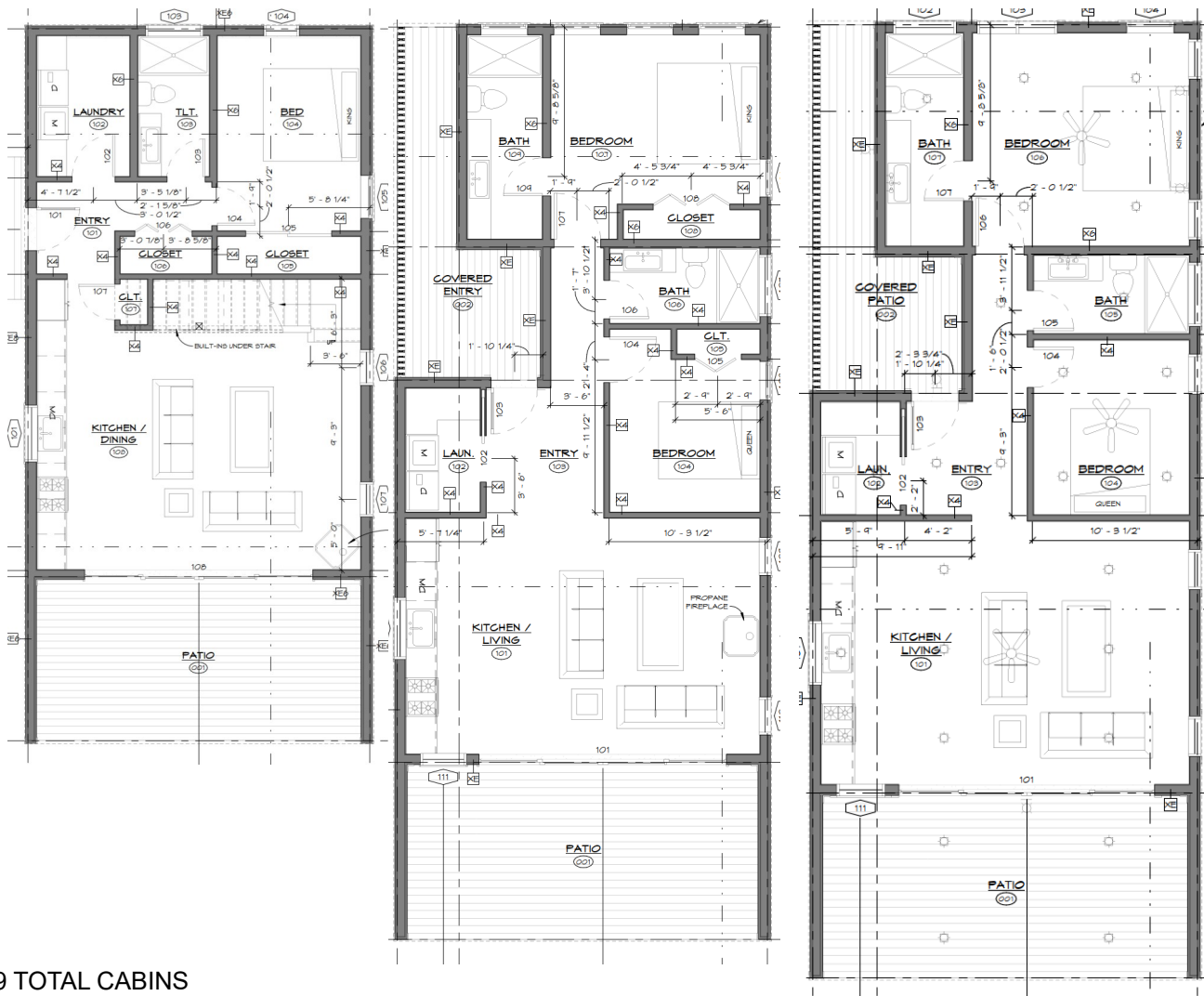
It is the responsibility of the applicant to provide a complete, detailed application that fully meets the City's zoning ordinance criteria and allows for the Planning Commission to exercise its discretionary authority as required by law. If it is not provided, the application must be denied.



HOTEL UNIT (19)



MICRO-CABIN (6)



9 TOTAL CABINS

CABIN A

CABIN B

CABIN C

I believe the units are dwellings and the following can be applied to the Density Standard.

The original application before the Planning Commission on May 16, 2022 was for 34 units on 3.83 acres (no 40% for open space for a park).

MZO 3.030(4)(a) states: "Overall density for the SR-R zone is 6.5 dwelling units per gross acre."

6.5 dwellings per acre X 3.83 acres is 24 dwellings allowed.

34 dwelling is over the amount allowed.

The application is not complying with the ordinance under this situation.

The applicant still has not agreed to comply with MZO 3.030(4)(a) but has only "offered" to provide 40% for open space as a park as indicated in the applicant's letter dated June 6, 2023. Nothing else in the ordinance needs to be complied with according to the attorney. The applicant still disagrees that the units are dwellings.

The applicant can not pick and chose only what he willing to comply with in MZO 3.030(4)(a). Since he has "offered" to use 40% (1.53 acres) for open space as a park, then he must comply with all of the ordinance. That includes 60% (2.3 acres) for dwellings at maximum density of 13 dwellings per acre.

13 dwellings per acre X 1.53 acres is 29 dwellings allowed.

34 dwellings is over the amount allowed.

The application is still not complying with the ordinance under this situation.

The calculation by the applicant's attorney in his letter of May 22, 2023 indicating 49 dwellings are allowed is incorrect since he used all 3.83 acres at 13 dwellings per acre. Only 6.5 dwellings per acre can be used when all of the acreage is included..

The Planning Commission must find that the applicant has not met the density requirements and deny the application.

This maximum allowed dwellings was brought up orally by Bill Gumpenberger at the May 30, 2023 Planning Commission meeting and twice by me in letters/emails dated May 22 and June 6, 2023. It was never responded to by the applicant or discussed by the Planning Commission members during the meeting. Please make a determination that the units are dwellings and can be applied to the Standard Density ordinance for this application. And apply my correct interpretation of the Density Standard MZO 3.030(4)(a).

The application has not fundamentally changed since the first unanimous denials by the Planning Commission and the City Council. The 40% "offering" is only a "Hail Mary" attempt to get approval.

CONCLUSION

The application was remanded by LUBA because defensible evidence was not provided sufficiently about the dwelling and density determination in the previous two meetings. Please don't let that happen again. Apply my reasoning as shown in this letter. There is no need for a change in the Planning Commission decision and analysis that occurred in the Planning Commission meeting on May 16, 2022. A reviewable interpretation of why the units are dwellings and how the density determination applies to the denial is all that needs to be provided.

The applicant must bear the burden of proof. He must 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.. If he has not done so, the application must be denied.

Respectively,
Jim Miller

June 8, 2023

Leila Aman

Manzanita City Manager

PO Box 129

Manzanita, OR 97130

Ref: Manzanita Lofts Private Park 40% dedication

Leila.

I request that concerned individuals be given the opportunity to respond to the applicant's June submittal. I ask this based on the belief and the following determination that the applicant has not proven he has set aside 40% of the property.

This is the legend applicant shows on the map on page 5, it is the same on all 3 of his maps in this submittal in terms of percentages only the areas coloring changes.

Page 5 Legend

1. PERCENTAGE LOT COVERAGE w/ ROAD: $(6,521 + 9,000 + 2,100 + 2,225 + 26,479 \text{ SF}) / (166,834.8 \text{ SF}) \times 100 = 27.77\%$

2. PERCENTAGE LOT COVERAGE w/o ROAD: $(6,521 + 9,000 + 2,100 + 2,225 \text{ SF}) / (166,834.8 \text{ SF}) \times 100 = 11.90\%$

3. DEDICATED PERMANENT OUTDOOR SPACE: OPEN GUEST PARK SPACE / PUBLIC WALKING PATH
 $(73,862.24) / (166,834.8 \text{ SF}) \times 100 = 44.27\%$ (Dark Green on map)

4. GENERAL OUTDOOR SPACE: GUEST SPACE, AMENITIES, GATHERING AREAS $(22,519.04) / (166,834.8 \text{ SF}) \times 100 = 13.50\%$

Take a few minutes and add up the numbers above and you will find nothing adds up, you will find that the applicant has duplicated the numbers in line 1 and 2. How does he come up with the 73,862.24 number????

I believe the applicant's map shows 59,716 sq ft for a private park, 6,997 sq ft short of the required 66,733 sq ft. Not the 73,862.24 he claims.

I achieved this number using the applicants' May and June submittals.

I have included my letter of June 3 which I reference in these calculations.

In my letter and the map with the 5 areas I discuss. Area B 46,576 sq ft (the applicant's value) and the applicant just removed 17,504 sq ft from his private park of his May submittal so it is now 29,072 sq ft.

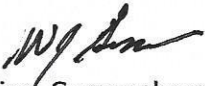
In my letter of June 3 area C was determined to be 15,994 sq ft, using Tillamook County tax maps.

So now he has $29,072 + 15,994 = 45,066$ or 21,667 short of the 66,733 needed.

We know the main parking area is 635 ft long from his first submittal and if we say the average width of the area on the east side of the parking area (the steep slope up to Classic Street) is 20' he gains $635 \times 20 = 12,700$. So now he has $29,072 + 15,994 + 12,700 = 57,766$ or 8,967 sq ft short of the 66,733 required.

This leaves an area of the walking path, Area F, on the north portion of the property that is 10' wide and 195' as shown in the applicant's May submittal. This calculates to 1,950 sq ft for a total of 59,716. Leaving the "private park" 6,997 sq ft short of the 66,733 required.

I do not see that the applicant has proven to set aside 40% of the property as a private park, as he has testified, and for this reason the application should be denied.



William Gumpenberger

610 Division Ct

Manzanita, OR 97130

503-97-8591

bgumpenberger@hotmail.com

ADDITION OF 4:1-50 NATIVE TREES AND VEGETATION



Page
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06.05.2023

From: Yvana Iovino <yvana.iovino@gmail.com>
Sent: Wednesday, June 14, 2023 7:44 AM
To: City Planning
Cc: Leila Aman
Subject: Manzanita Lofts Hearing June 16...please include as testimony



June 13, 2023

City of Manzanita Planning Commission 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.

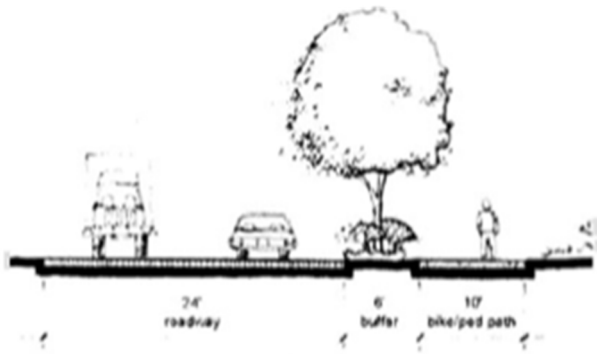
It has been well documented that the City of Manzanita has undergone the time, effort and expense and work with the community to design and adopt a special roadway cross section for Classic Street. Additionally, it has been well established that the existing roadway along the development frontage does not comply with the adopted cross section and that the proposed development does not propose to construct the adopted cross section.

The existing street is just 21-22 feet in width without separated bike or pedestrian facilities. The adopted Classic Street cross section is 24 feet in width with a six foot buffer and 10 foot wide separated bicycle/pedestrian path as illustrated below. The existing street does not have any separated bicycle/pedestrian facilities and has no buffer.

Figure 4.3 of City of Manzanita Downtown Transportation Plan, Classic Street Cross Section

It is common to require development to improve its own roadway frontage to be compliant with jurisdictional cross section standards when a site develops with an increase in traffic generation. This development certainly significantly increases the traffic generation of the site.

13554 Rogers Road • Lake Oswego, OR 97035 www.greenlightengineering.com • 503.317.4559



The city's contract traffic engineer, in his scoping memo, required "The TIS shall address the current and future cross section of Classic Street along the site frontage. If frontage improvements are not being provided that bring the street into compliance with applicable standards, justification shall be provided." Neither the city nor the applicant have provided compelling justification regarding why the adopted cross section is not being implemented as part of this development. The applicant's traffic engineer has stated that the cross section is not being implemented because it was simply that the city hasn't asked for the improvements to be constructed. That falls well short of justification for the improvements to not meet the required cross section or to be omitted altogether.

If the developer doesn't construct the required cross section as part of this sizable development, then it is possible that the city would be left to construct these adopted improvements in the future.

As part of their June 6, 2023 submittal, the applicant has now offered to construct a roughly parallel "walking path." It is unclear if this facility will be designed or allowed to accommodate bicycles. The applicant's proposed path differs greatly from the adopted city cross section. An evaluation of the proposed plan with excerpts of the applicant's site plan is provided below:

- The north end of the proposed path starts just west of the proposed development's driveway on Dorcas Lane. This path entry/exit is out of direction for users walking or biking along Classic Street. This would not be the case if the path was located along Classic Street per the adopted plan. It does not appear that pedestrians crossing Dorcas Lane at this location would legally have the right-of-way unlike if the path was situated along Classic Street per the adopted plan.

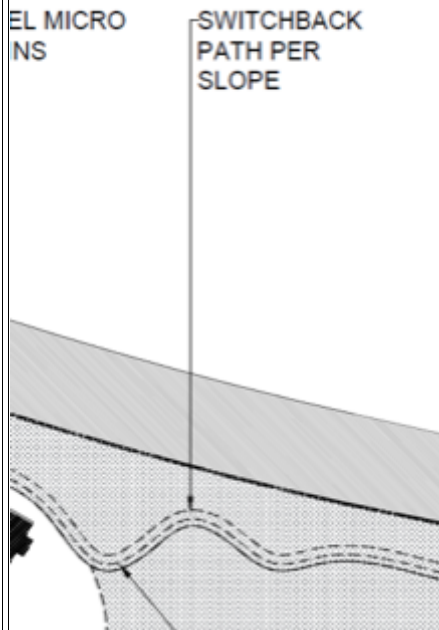


- The proposed path crosses a very wide parking area (see above) that would otherwise not be crossed if the path was located along Classic Street per the adopted plan.

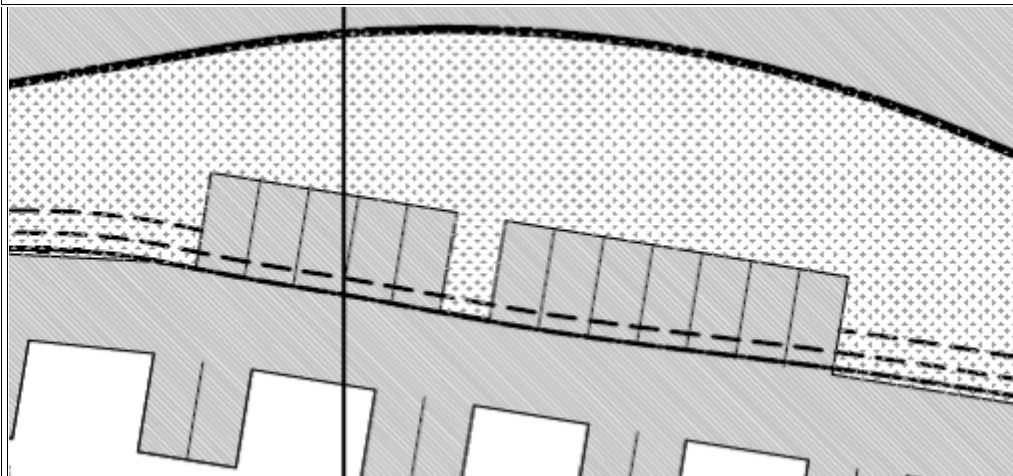
- The proposed plan does not illustrate path grades. It is likely that the grades are significantly steeper than if the path was located along Classic Street per the adopted plan. The plan illustrates a section of “switchbacks,” indicating very steep grades. As the

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site plan indicates it is a “walking path,” it may be intended that the proposed path not be used by bicycles at all. There are many cyclists that would prefer utilizing a street grade path rather than a path with steep switchbacks. If the Classic Street plan were implemented as adopted, both pedestrians and cyclists would benefit from it.

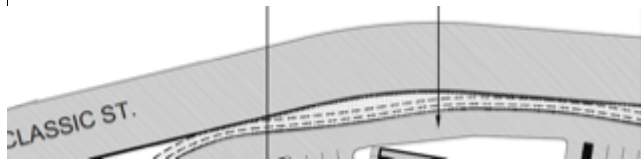


- The proposed plan does not illustrate widening of Classic Street to 24 feet per the adopted plan from the existing 21-22 foot width.
- The proposed path is illustrated to orient path users directly into the back of parked vehicles that would otherwise not be intersected if the path was located along Classic Street per the adopted plan.



- At locations, the proposed plan does not illustrate the adopted plan's buffer of six feet between motor vehicles and bicycles and pedestrians.

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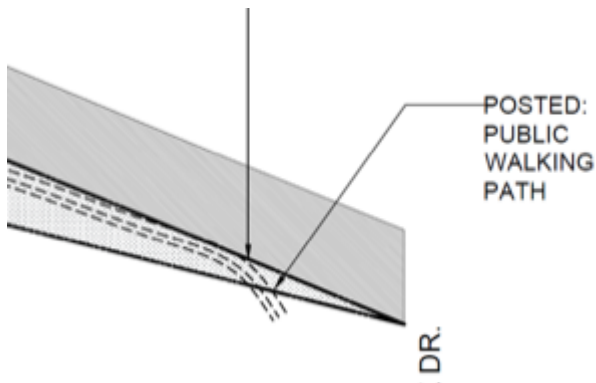
- At the south end of the path, it is unclear how the path intersects with the existing roadway.

Given these substantial physical challenges designed into the proposed plan by the applicant to avoid construction of the adopted plan, it is questionable that the proposed path will be used by the users that would most benefit from the buffer and path adopted for Classic Street. Certainly, the proposed plan is not in compliance with the city's adopted plan.

Sincerely,

Rick Nys, P.E.

Principal Traffic Engineer 503-317-4559 rick@greenlightengineering.com



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From: Mary Ruef <mary.ruef.home@gmail.com>
Sent: Wednesday, June 14, 2023 12:40 PM
To: City Planning
Subject: Cerelli PUD letter

June 14, 2023

To the Manzanita Planning Commission

Re: Proposed Manzanita Lofts

I am in agreement with my friends and neighbors who have written letters to you in regards to the traffic and density issues surrounding the Manzanita Lofts PUD. The recent letter from Mr. Nye about the traffic also brings up some good issues. If you then take into account the testimony of those who live along Classic and Dorcus you see a different picture from what was said by previous "professional" testimony. I would like to say that no matter what traffic engineers have to say it is the day-to-day issues of the people who reside in our lovely town and especially along Dorcus and Classic that really matter. What we see and what we experience should not be ignored.

There is something wrong with the system when a developer can come into a small town and build a complex that is not consistent with the quality of living of the town. Not one person spoke in favor of this complex at the last hearing. Many have talked about and 136 signed a petition about how this does not fit into our community. I believe the Planning Commission does have the power to turn down this proposal; it was previously turned down by the Planning Commission and the City Council. We do not want to become a Cannon Beach with hotels everywhere.

Respectfully submitted,

Mary Ruef

Full-time resident

355 Jackson Way

From: Sandy Wood <columbiagrove@msn.com>
Sent: Wednesday, June 14, 2023 1:40 PM
To: City Planning; Leila Aman; Deb Simmons; brad mayerle; Jerry Spelman; Jenna Edginton; Linda Kozlowski
Subject: Manzanita Lofts remand

Thank you for again listening to the public regarding the Manzanita Lofts project.

The Manzanita Lofts project seems to be more like a kaleidoscope view rather than an actual plan: rearrange the angles of the buildings, add a walking path. . .surely the public will approve. . . Show us pictures of plants, as though they would convince us of a successful project. . . The vision is fleeting and changes. . .maybe that view is better. . .

The community of Manzanita STILL doesn't approve of the project!
Isn't it embarrassing for the applicant when the Planning Commission asks for public comments, first for those speaking positively, and NO ONE testifies?
Then, the multitude of people testify AGAINST the project.

The Planning Commission denied the project a year ago, as did the Manzanita City Council.
The Planning Commission does NOT need to approve the project this time either!

The Concerned Citizens of Manzanita formed to encourage the following of Laws and Ordinances that had been ignored for some years.
Mistakes have been made, or assumptions made about the lack of public interest: think of the 3rd Street sandbox for example.
The Manzanita Lofts project can be prevented before the damage is done!

We are trying to protect the serenity of the area, protect the trees, and preserve the harmony of the neighborhoods.
Trees do not grow back in a week or a year. Their beauty and protection are priceless.
Birds nest and sing, the deer and the elk feel safe there.
The golfers appreciate their beauty, and their protection.

Trails through parking lots or through blackberry bushes on a steep incline do not make the project palatable.
Walkers, bicyclists, young and old, people in wheelchairs, etc should be welcomed, not denied.

How would project renters vs community make a pleasant walk for anyone?
A park is public or private: not restricted.
Most of us walk, rather than drive, and are mindful of the traffic.
We walk our dogs and visit with our neighbors and friends.
More traffic is not in harmony with the area.

Traffic doesn't control itself, making itself less, to allow for the increase with the suggested project. Accidents will happen.

Many of us spent hours counting the vehicles and pedestrians, etc on a typical warm weekend. Many people stopped to talk with us: they were often unaware of the potential hotel, worried about a 5th intersection, horrified at the idea, and concerned about the traffic.

They were ALL in favor of our opposition to the project, and appreciative of our efforts!

Density doesn't become improved when the population of the residential area surrounding is doubled by the proposed project.

Remember, those neighborhoods are HOA's with denial of STR's already.

The cabins, at 1000 sq ft, are the size of many of the homes in Manzanita, all of which are "dwellings". The microcabins are just smaller "dwellings."

The developer STILL hasn't given us the details of the interiors of any of the buildings, including the "hotel" rooms\areas.

Renters aren't going to stay in a place without amenities!

And, what is the potential number of people renting each building?

Just turn the kaleidoscope!

Again, harmony needs to be with the present community; it is not the responsibility of the present neighborhoods and community to change to compliment a new development!

Projects like this one add up, taking the magic of a community away.

Nationwide, areas have been loved to death.

We are trying to prevent that from happening here.

We have a wonderful, dedicated, small police force. We cannot expect them to control the behavior in a "party" development.

The applicant should have given us details about the proposed development, but he continues to think that the City of Manzanita will surely approve his dreams without knowing the facts.

We have asked for details, and have not gotten them.

We have provided more details, information, and questions that the applicant has over the past year.

There is a burden of proof that the applicant has NOT met, for over a year.

The Planning Commission MUST deny this project AGAIN!

Thank you.

Sandy Wood

120 Beeswax Lane

Manzanita