

From: Leila Aman
Sent: Wednesday, May 10, 2023 4:08 PM
To: Mark Beach
Cc: Karen Reddick Yurka; Lee Hiltenbrand; City Planning
Subject: RE: for planning commission meeting May 15 2023

Hi Mark,

Thanks for sharing your comments. I have copied planning@ci.manzanita.or.us with your comments because I assume you want them in the record as part of the remand hearing. For future reference please note that comments on active land use applications must be sent to planning@ci.manzanita.or.us – otherwise they will not be included in the record. I went ahead and took care of it for you just kindly note that for future reference.

Thanks for your understanding and hope you are well!

Leila

From: cityhall <cityhall@ci.manzanita.or.us>
Sent: Wednesday, May 10, 2023 4:03 PM
To: Leila Aman <layan@ci.manzanita.or.us>
Subject: FW: for planning commission meeting May 15 2023

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



From: Mark Beach <
Sent: Monday, May 8, 2023 4:35 PM
To: cityhall <cityhall@ci.manzanita.or.us>
Cc: Karen Yurka <msshoebox@mac.com>; Lee Hiltenbrand <leehiltenbrand@gmail.com>
Subject: for planning commission meeting May 15 2023

Message from Mark Beach opposing Lofts development.
May 8 2023

Manzanita zoning ordinance 4.136 (3) c requires harmony between a development and the area around it. The area around the Lofts property includes a golf course whose east boundary is contiguous with several hundred feet of the Lofts west boundary and dozens of adjacent and nearby private homes on the north and east. The owners of the golf course have not supported the development. Dozens of homeowners have expressed opposition. No one has expressed support. Nor has the developer tried to build good relations with any of the surrounding property owners.

Where's the harmony required by the ordinance?

Mark Beach

207 Jackson Way

From: janet carter <carterjanet921@gmail.com>
Sent: Tuesday, May 9, 2023 10:01 AM
To: City Planning
Cc: karen@yurka.net; Denise Lofman
Subject: Message for Planning Commission re meeting May 15, 2023

Message from Janet Carter opposing the Lofts development.

Manzanita zoning ordinance 4.136 (3)c requires that “the area around the development can be planned to be in substantial harmony with the proposed plan.” But the area around the proposed development is already almost 100% built out or made off limits by easement. Meeting the requirements of this part of the ordinance is not possible. Houses surrounding the golf course were sited for safety as part of the golf course development. A hotel or houses sited in the Lofts proposal area would not have such protections. Allowing building exposes the city to financial liability when people, structures, car windows are struck by golf balls. The area in the Lofts proposal is not appropriate for any buildings or gatherings of people. It is appropriate as a buffer for the golf course as open space.

Janet Carter

PO Box 570

Manzanita

From: Yvana Iovino <yvana.iovino@gmail.com>
Sent: Monday, May 15, 2023 4:00 PM
To: City Planning
Subject: public comment re: Remand Hearing of Proposed PUD of 34 unit hotel on Dorcas and Classic on May 30, 2023

Dear Planning Commissioners,

May 15, 2023

On May 30, 2023 you will be facing the decision of whether to approve the building of Manzanita Lofts, the 34 unit hotel complete with a party venue area, fire pits and no manager on site.

Let me give you a brief update as to why you are **now** faced with this very important decision. (This is mostly for the new folks but a good recap for everyone).

When Manzanita Lofts was first proposed and was to be assessed by the Planning Commission, the neighbors where it will be located, Dorcas and Classic (an area that is 100% residential with little to no STR), got wind of it and did some research.

We found out that the proposal was **only** 2 pages long and contained very little information as to the details of what is to be built. We knew, though, that it would include a common room for parties, fire pits and no manager onsite.

We found out that this 34 unit hotel will be the **biggest** hotel ever in the city of Manzanita and instead of being placed downtown on Laneda, it was to be placed in a gully directly abutting the **signature 5th hole** of the golf course and surrounded by homes of which at least two of the HOAs had voted to not allow STR...so houses occupied by full time, voting residents of Manzanita. And since there are only 34 dwelling units currently existing between the Dorcas/Classic Street intersection and the post office (where Dorcas Street dead ends), we are looking at a **100% increase in dwelling units**.

We found that the developer was from out of town (Portland) and probably had no idea about the pedestrians walking on Classic and Dorcas going to the beach or the post office or the funky 4 way intersection where cars routinely run the stop sign.

So we got together as "Concerned Citizens of Manzanita" to bring awareness of this proposed development and its potential impact on the liveability of our town to the rest of the citizens of Manzanita.

We wrote a detailed letter listing our worries and concerns about the building of this hotel. **Over 130 residents of Manzanita** signed this letter. Many others sent letters of their own. At the Planning Commission meeting when citizens were allowed to speak NOT ONE person was for this hotel.

The Planning Commission, after HOURS of deliberation and an in depth review, denied the application.

Then the City Council also denied the application.

The developer, as is his right, appealed to LUBA. LUBA can either approve the local decision, reverse (overturn) the decision or remand (send back) the decision to the local government for further consideration. LUBA mostly remands decisions that are defective in only one or two respects, which are correctable, but comply with the law otherwise.

That is what happened in our case. The developer cited 8 “assignments of error” in the city’s decision. Of these 8, **only 3** were remanded back to the city. LUBA **upheld 5** of the city’s arguments to deny the hotel.

What did LUBA remand back to us? What do they want us to correct?

1. The City had used our **Comprehensive Plan** to back some of our arguments. However, the City had failed to incorporate its Comp Plan provisions into its land use regulations. Oregon law states that if a city fails to do that, it can't use the Comp Plan provisions as basis for decisions.

So, that’s on us... the guys that were running the city before the current folks didn’t keep up to date on Oregon law. Shame on us!

But we do have a **Design Ordinance** 4.150 that states, “Design review provides aesthetic judgment over development projects in order to maintain the unique character of the community by keeping buildings to human scale and reflecting the natural beauty of the city’s setting, to encourage the traditional style of the PNW...”

We also have **Ordinance** 4.136 3 (a) and (c) and 4.153 3 (a) - (j) which the developer did **not** follow in his flimsy application.

The developer **must** comply with our City’s Ordinances! He hasn’t met the burden of proof in his application for many of the requirements of 4.153.3.

2. **Traffic:** Oy! The “city staff” guy, Walt, who wrote the city’s findings (he’s gone now; please use ORCA’s lawyer to write the city’s findings this time) wrote that there would be “more than” 309 trips a day of cars going “downtown”. Both the developer’s and our traffic engineer said “up to” 309 trips a day. So LUBA said “more than” was not supported by “substantial evidence in the record” and there was no evidence that cars would be going “downtown”. Ah, lawyers!

We just need to **rewrite** this part of the denial because the issue isn’t “up to” or “more”, the issue is **309** car trips navigating a **5 way** stop sign intersection (who goes first? Was that on the driving test?) with families and children biking and running and walking. When *that* accident inevitably happens, the lawyers will have a field day because it is **on record** that the citizens knew this was going to happen and the City didn’t heed our warning. Look at his plan: there is only one entrance/exit to the gully and it comes out at this weird intersection.

3. OK, now we are up to the third remand. This one is on **dwelling and density**. Since the developer’s proposal was so flimsy, no one knew if his hotel had “dwellings”. He said “no” but he also said that his hotel was going to be like his Arch Cape Lofts. Go to their website. The rooms have “kitchenettes”. There are pictures (microwave, sink, fridge). This makes them “dwellings” according to the city’s definition in the Ordinance 10-03. All very confusing. LUBA was confused too and called for a “do over”. They said we needed to get more information from the developer to decide the dwelling/density issue.

And now we come to **MY** greatest concern. I'm a physician (wish I was a lawyer because reading the LUBA document was not easy reading). I care about **health and safety**.

Bear with me here: In the LUBA report it states "the hotel is proposed to be developed on the northern part of the property, while approximately 14,800 sq feet of open space is proposed for the southern part of the site adjacent to the golf course".

MZO 3.030(4) (a) also states "overall density for the SRR zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site...where at least 40% of the total lot or parcel area is reserved or **dedicated as permanent open spaces as a public or private park** area. 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".

Here is where we need to go on a field trip.

The 3.6 acres where the proposed hotel is to be built has dense blackberry bushes that hold up the north slope (above it is Classic Street with the constant roar and rumble of construction vehicles headed towards the Highlands where hundreds more homes are going to be built and huge RVs headed for the State park).

Then, there is a bit of flat area (where I assume the dwelling units will be) and then, there are the TREES. Vast, giant, beautiful fir and pine trees that act as a buffer between the golf course and the surrounding area. A dense screen to prevent the errant golf ball from hitting people and cars.

Remember the flimsy proposal? Well, nowhere does it say where this 40% of "open space" is to be. He might say it is the patchwork of pieces between the units or include the parking lot, both of which do not follow the intent of the Ordinance which is "public or private **park** area". My guess... he is going to cut down the trees. I don't think he knows about **Manzanita's Tree Ordinance** 4.142: "The City encourages retention of existing trees wherever feasible and prohibits clear cutting of lots prior to review and approval of a site plan or tree replacement plan" or that the City is vigorous in following our Ordinances.

Now, why do I care about the trees?

(In this day and age, we know that large old trees are essential for carbon capture in our fight against impending climate change, they are habitats for a declining population of songbirds and animals and they add joy to those of us who rest our eyes on their beauty. But none of this has been deemed an argument against the development....so, keep reading).

And this is when I get nervous.

A 2020 article in the "**Legal Examiner**" was titled "*Golf Injuries are Big Business for Lawyers*".

In 2015, **Oregon Live** reported that a Californian woman, Joan Eckerstrom, sought \$900,000 in damages in a lawsuit brought against the golfer and Gearhart Golf Links. The lawsuit filed in Portland, said that she suffered from vertigo, ringing in the ears and other head injuries when a golf ball hit her head while she was walking on a street east of the golf course. Her lawyer said, "There were some downed trees from many years ago that the golf course chose not to replace."

The journalist went on to write "Attorneys familiar with the industry say people struck by golf balls when they're outside a golf course ...have stronger legal claims."

I'm not a lawyer (as I said), but after my deep dive into golf ball injuries and lawsuits, I am sure that if someone walking on Classic or a customer at the hotel gets hit with a golf ball they can

sue the hotel and the City for **knowingly** allowing the trees, that acted as a buffer from errant golf balls, to be removed. Up in the Classic Street Cottages we have a collection of errant golf balls already.

I am also not a golfer, but my golfing friends tell me that **many** golfers “slice to the right” on that signature fifth hole...and “right” is where the hotel would stand and beyond that Classic street. And as a full time resident and tax payer, I don’t want to help pay the City’s legal fees when they are slapped with a million dollar lawsuit. Because head injuries are no joke.

So, please, hear the citizens of Manzanita. No one is in favor of this hotel. This is OUR town. Please be OUR voice. Please do not approve a plan that is flimsy and poorly drawn up. He can do better. And ask about the trees, the golf course and liability. The gully should have been part of the golf course. It is a dangerous place to put a huge hotel. It is a dangerous place, frankly, to build anything.

I request that the record be left open for an additional 7 days after your decision.

I thank ORCA (Oregon Coast Alliance) for all their help navigating Oregon’s land use laws and request that the Planning Commission utilize their lawyer’s expertise which ORCA offers pro bono. If the Planning Commission denies the application (as I think you *must*), please have ORCA write the findings. In this way it will be airtight and defensible.

Respectfully,
Yvana Iovino, MD
(full time resident at 352 Jackson Way, Manzanita, OR)

Definitions:

LUBA (Land Use Board of Appeals) :

LUBA’s mission is to provide a specialized appellate review body that will

1. Provide an accessible forum for resolving land use disputes quickly and efficiently
2. Make its decisions available as a decision-making resource to state, city, county, property owners and residents of Oregon.

ORCA (Oregon Coast Alliance):

ORCA is a nonprofit organization founded in 2009 to protect the Oregon coast by working with coastal residents for sustainable communities; protection and restoration of coastal and marine natural resources; providing education and advocacy on land use development; and adaptation to climate change.



Roosevelt Elk grazing in the gully, between Classic and Dorcas, next to but away from the golf course and golfers.

From: Russell Hanf <russell@rhlawoffice.com>
Sent: Tuesday, May 16, 2023 3:38 PM
To: City Planning
Subject: Manzanita Lofts Project on Dorcas/Classic

Hello, I am writing in support of the decision to **deny** the development of this Project being considered for a parcel located at Dorcas and Classic, adjacent to the golf course.

I have a home in the Classic Cottages near this proposed development and know the area well. Specifically, I will address the 3 issues at hand:

Traffic

Manzanita Zoning Ordinance 4.136 states that "The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area."

The current intersection at Dorcas and Classic is already very busy with cars, pedestrians, and bicyclists, there are no sidewalks, Greenlight Engineering's report states that the Manzanita Lofts project will bring up to 309 additional vehicles at that intersection.. This project would add a fifth stop sign at an already busy intersection and double the number of dwellings on Dorcas.

Adding more cars to this equation is a serious safety issue and will most certainly lead to accidents between cars, pedestrians and cyclists.

Density

The remand notice states, "The applicant has agreed in the written remand request that the development will comply with the density standards outlined in MZO 3.030(4)(a)." 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 open space, park area, or golf course should be on flat land, not on the hillside next to Classic or Dorcas.

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 states 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. If he does not do so, the Planning Commission must find that he is not yet meeting the density requirements.

Without more detailed information, that meets 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, does not show the 40 percent open space that will be deed restricted, and once again fails to meet the burden of proof. By not providing detailed and clear information, but just giving general statements, the applicant limits the amount of information the Planning Commission and public need for a thorough review of the project.

In substantial harmony with the surrounding area

Manzanita Zoning Ordinance 4.136 3.c.(3) states "The area around the development can be planned to be in substantial harmony with the proposed plan." The project has not met this standard.

The proposed hotel will have a golf course to the west. The golf course owners have indicated the vast majority of the golf balls that are hit from the tee above the proposed project will slice to the right, creating a significant hazard to people below. If the City approves this project while knowing the location is inherently dangerous, the City takes on the liability if anyone is hurt.

Given the hazards of putting a hotel next to the 5th hole and the City's liability of knowingly doing so, this does not meet the standard of "substantial harmony".

Dorcas has 33 homes on it from Classic to the Post Office, this hotel will double the number of dwellings on the street.
The project is not in substantial harmony with the area around it. It does not meet this standard and must be denied.

For all of the reasons I have put forward, this application must again be denied. Thank you for your time and consideration.

Russell Hanf
366 Jackson Way

May 16, 2023

Denise Lofman
PO Box 206
Manzanita, OR 97130
dlofman@yahoo.com

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

RE: Manzanita Lofts Planned Unit Development

Dear Manzanita Planning Commission:

The Manzanita Lofts Project has been remanded back to the City from LUBA to address three specific issues. With a remand, the Planning Commission absolutely has the ability to once again make the courageous decision to deny this project. I hope you will do so given the project continues to not meet the burden of proof required by Manzanita Zoning Ordinances.

As you know, it is the Planning Commission's duty to make sure the hotel meets the standards in the code. This critical decision must not be put off to technical review after the PUD has already been approved. There must be *actual reports* and designs detailing the plans, including water, sewer, roads/traffic, electricity, stormwater, and electricity as well as reports for geological hazards and dune stability at the site for the Planning Commission to review and to base their decisions on. Instead, we have a three page application that shifts the decision making to design review or technical review by City staff later in the process.

Development standards must be reviewed by the Planning Commission during its hearing process rather than kicking the can down the road when this development is already on its way to construction. This remains an issue as the City reviews the issues remanded by LUBA. The planning commission must once again take the lead in requiring the applicant to bear the burden of proof on this proposal, as required by law.

DUNE STABILIZATION AND GEOLOGIC HAZARDS

We will begin with MZO 4.136(3)(c)(2) which requires that, as related to the remand issues: "Resulting development will not be inconsistent with the . . . zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage."

The property has areas that are within the Dune Overlay Zone, shown on the City's zoning map, and has steep slopes on the east side of the project. There were no professional geological hazards or dune stabilization reports provided with the application. There is no way the application meets the burden of proof for this requirement, given the City was provided with NO information on these important topics. The project does not meet this standard as it is impossible to tell if the "resulting development will not be inconsistent with the zoning objectives of the area". There are no reports detailing the technical issues that must be considered by the Planning Commission when discussing geological hazards and dune stabilization. **The Planning Commission must find that the project is inconsistent with the zoning objectives of the area with regard to dune stabilization and geologic hazards.**

DWELLINGS AND DENSITY

LUBA has also 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. I have to say that every time the applicant has the opportunity to meet specific standards in the zoning ordinance, he simply says that he will, at some point in the future, leaving the Planning Commission and citizens guessing as to his intent.

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.

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 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. Force the applicant to be clear about the actual details of the project to fully allow the Planning Commission to execute its discretionary judgement.

SUBSTANTIAL HARMONY

LUBA has also asked the City to review and clarify its findings regarding Manzanita Zoning Ordinance 4.136 3.c.(3) which states “The area around the development can be planned to be in substantial harmony with the proposed plan.” The project has also not met this standard.

The enclosed map shows the proposed hotel and surrounding area. It will have a golf course to the west. The golf course owner has indicated the vast majority of the golf balls that are hit from the tee above the proposed project will slice to the right, creating a significant hazard to people below. If the City approves this project while knowing the location is inherently dangerous, the City takes on liability if anyone is hurt. Usually developments along golf courses

are created by the owners of the courses, so they are planned for and developed in a way that will reduce safety concerns and liability. This project is not doing that. The Planning Commission must carefully consider the safety and liability burden the approval of this project will bring to the tax payers of the City. Given the hazards of putting a hotel next to the 5th hole and the City's liability of knowingly doing so, this does not meet the standard of "substantial harmony".

If we look to the north and east of the proposed project, there are roads immediately adjacent to the site, and then residential neighborhoods. How is a 34-unit hotel with limited staff and a community building in substantial harmony with residential neighborhoods? Dorcas has 33 homes on it from Classic to the Post Office, this hotel will double the number of dwellings on the street.

COMMUNITY BUILDING

Additionally, a community building is proposed right in the middle of the project. What will this building be used for and how many people will it accommodate? How is its use in substantial harmony with residential neighborhoods?

And, more importantly, the community building needs a conditional use permit per the ordinance listed below. Though this was not a LUBA issue, it remains an outstanding item the applicant has not addressed, and which must be addressed before any application can be approved, as it is a requirement of the city's ordinances.

In the June 10, 2022 Staff Report, it states

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

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

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

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

any uses and conditional uses permitted in any underlying zone. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards that most nearly portray the character of the zone in which the greatest percentage of the planned development is proposed.

Planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development: The preliminary plan shall include the following information: (1) A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands. (2) Proposed land uses, lot overages, building locations and housing unit densities.

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

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

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

There remain so many questions about this project that the Planning Commission and citizens do not have detailed information to review, it does not meet the burden of proof. The Planning Commission must decide the project is not in substantial harmony with the area around it.

TRAFFIC

Manzanita Zoning Ordinance 4.136 states that “The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.” The intersection at Dorcas and Classic is very busy with cars, pedestrians, and bicyclists, there are no sidewalks, Greenlight Engineering’s report states that the Manzanita Lofts project will bring up to 309 additional vehicles at that intersection on a busy Saturday. This project would add a fifth stop sign at an already busy intersection with odd sight lines.

Based on the 2003 downtown transportation plan, Classic Street is considered a connector, providing a corridor from the south all the way to North Avenue. While the City has made

significant improvements from when it was a gravel, potholed, tiny road, there's still quite a bit of work to do. This area of Manzanita has seen the greatest growth in the last eight years. I was there to see it all: I used to walk my dog in the field that was there before the development of Classic Street Cottages, and few people wanted to wreck their suspension on Classic back then, traffic was quiet. These days, we've added the development of Classic Street Cottages, about 30 units or so, the new development at Mulligan Drive, and the new large development at Highlands. And now, we are going to add 34 hotel units and a community building. All this development impacts the whole City, but it heavily impacts this area of town. We need to be strategic, thoughtful, careful, and mindful of the livability of these neighborhoods and citizen's concerns regarding traffic.

The 2003 Downtown Transportation Plan recommends having a walking path/biking path along Classic that is separated from the street with a vegetated strip. It recommends left turn lanes for the North and South at Laneda and Classic, it does not allow for street parking along Classic. The four way stop at Dorcas and Classic is already busy, and it will get worse, especially with a driveway for 40 more units right there at the stop sign. The driveway into this new hotel is not allowed on Classic, so I understand there are constraints, but the design of this project is going to make traffic even more of an issue.

And while we are talking about traffic, I want to add that the developers and owners of the site must be prepared to have all cars connected to this facility park on site. That doesn't just mean guests, but hotel workers, and anyone using the community building who drive to the site. The one thing the neighbors argue about in this neighborhood is parking. It's already limited as there isn't much street parking. Dorcas has no parking at all on one side of the street on the block where the development is proposed, and as I mentioned, parking on the street is not how Classic Street has been configured.

Over and over again, the applicant has not provided clear and detailed information. Instead, he gives general statements and says things will be a certain way. This continues to offer the Planning Commission and public all limited information needed for a thorough review.

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

Once the project is denied, I also request that the Oregon Coast Alliance's attorney, who defended the case before LUBA, be requested to write legally defensible findings to support the City's decision. He may of course coordinate with the City's attorneys as needed, but he, not

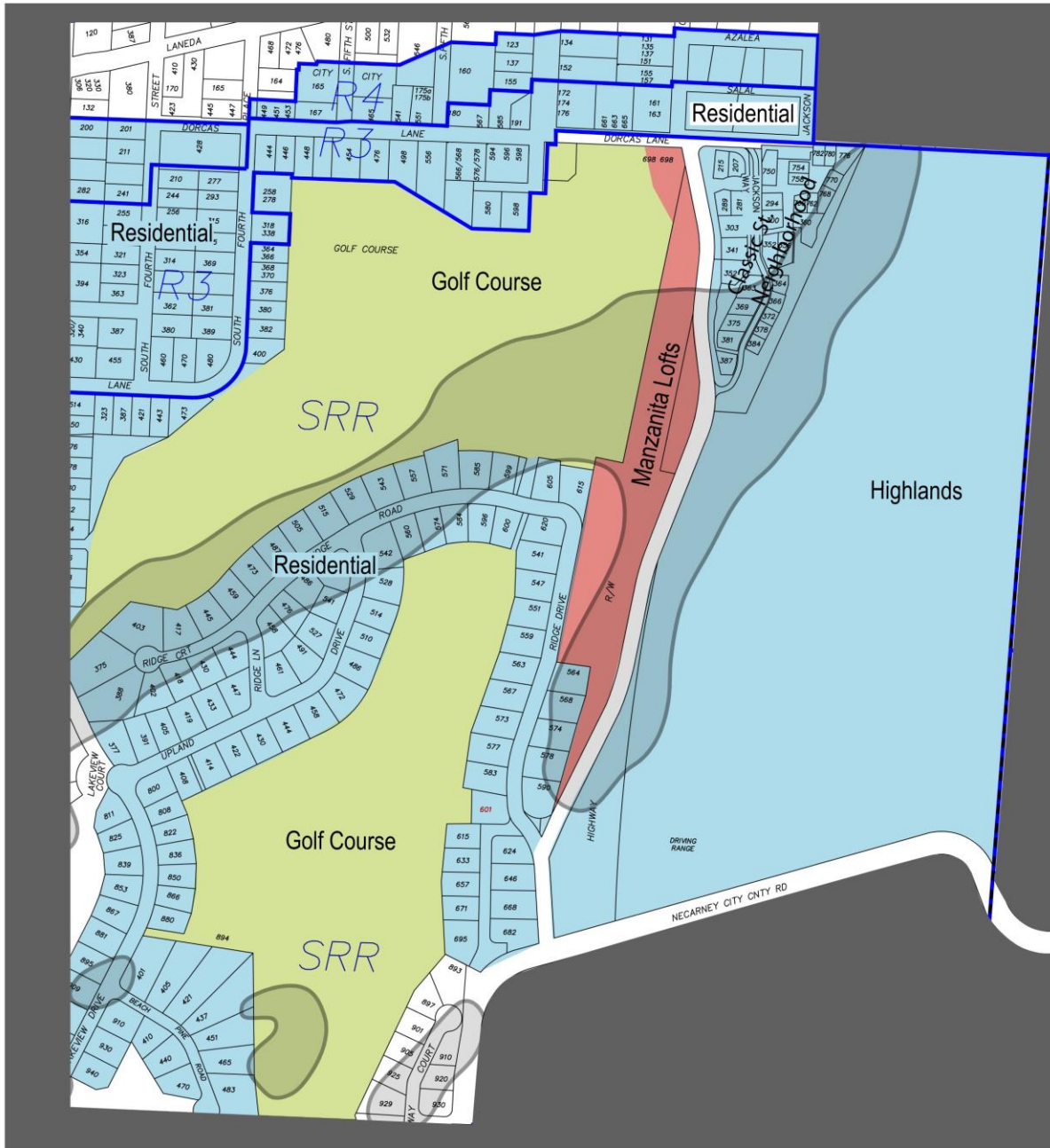
they, specialize in land use law. I hope the City will use this resource to draft strong legally defensible findings.

Please place this letter into the record.

Sincerely,
Denise Lofman

Enclosure

Areas Surrounding the Proposed Manzanita Lofts



CITY OF MANZANITA
ZONING & ADDRESS MAP
LAST UPDATE: APRIL 2018

- LEGEND**
- INDICATES CITY LIMITS
 - INDICATES ZONING BOUNDARIES
 - 2025 INDICATES DEVELOPED LOTS
 - INDICATES APPROXIMATE LOCATION OF DUNE OVERLAY ZONES
 - INDICATES GOLF COURSE (SRR)
 - INDICATES RESIDENTIAL AREA (R3, R4, SRR)
 - INDICATES PROPOSED MANZANITA LOFTS (SRR)

From: Marc Bellerive <jmrbellerive@gmail.com>
Sent: Tuesday, May 16, 2023 4:41 PM
To: City Planning
Subject: Manzanita Lofts

Dear planning commission,

I am writing to express my concern with the manzanita lofts proposal. As a manzanita resident living on Dorcas lane we are worried about the extra traffic on Dorcas. It is bad enough as it is that most people barely slow down going across that intersection I cannot imagine how it will be with this new project.

I am also concerned about the urban density, the fact that there will not be any on-site supervision and this will turn into "party central". We are all painfully aware that a lot of vacationers tends not to have much respect for local resident around the premises and are more focussed on having a good time and are often very loud. We know this is an issues already in many areas of manzanita where vacation rentals are numerous and just the sheer density of dwellings at the Manzanita lofts and the presence of a "common party house" is very concerning.

I am also concerned about the parking situation. My understanding is that this common house that common house can be rented for venues like weddings and therefore increase the number of guests. We already have issues with day trippers and strangers already using our parking lot when they are in town, I can only imagine how this will get worse with this number of unit a block away.

I understand that progress cannot be stop, however, I feel very strongly that the Manzanita lofts are a bad idea and will negatively impact our community and the immediate neighbors.

Thank you for your considerations.

Marc Bellerive and Kevin Jamka.

RECEIVED

MAY 18 2023

CITY OF MANZANITA

Dear Planning Commissioners,

May 15, 2023

On May 30, 2023 you will be facing the decision of whether to approve the building of Manzanita Lofts, the 34 unit hotel complete with a party venue area, fire pits and no manager on site.

Let me give you a brief update as to why you are **now** faced with this very important decision. (This is mostly for the new folks but a good recap for everyone).

When Manzanita Lofts was first proposed and was to be assessed by the Planning Commission, the neighbors where it will be located, Dorcas and Classic (an area that is 100% residential with little to no STR), got wind of it and did some research.

We found out that the proposal was **only** 2 pages long and contained very little information as to the details of what is to be built. We knew, though, that it would include a common room for parties, fire pits and no manager onsite.

We found out that this 34 unit hotel will be the **biggest** hotel ever in the city of Manzanita and instead of being placed downtown on Laneda, it was to be placed in a gully directly abutting the **signature 5th hole** of the golf course and surrounded by homes of which at least two of the HOAs had voted to not allow STR...so houses occupied by full time, voting residents of Manzanita. And since there are only 34 dwelling units currently existing between the Dorcas/Classic Street intersection and the post office (where Dorcas Street dead ends), we are looking at a **100% increase in dwelling units**.

We found that the developer was from out of town (Portland) and probably had no idea about the pedestrians walking on Classic and Dorcas going to the beach or the post office or the funky 4 way intersection where cars routinely run the stop sign.

So we got together as "Concerned Citizens of Manzanita" to bring awareness of this proposed development and its potential impact on the liveability of our town to the rest of the citizens of Manzanita.

We wrote a detailed letter listing our worries and concerns about the building of this hotel. **Over 130 residents of Manzanita** signed this letter. Many others sent letters of their own. At the Planning Commission meeting when citizens were allowed to speak NOT ONE person was for this hotel.

The Planning Commission, after HOURS of deliberation and an in depth review, denied the application.

Then the City Council also denied the application.

The developer, as is his right, appealed to LUBA. LUBA can either approve the local decision, reverse (overturn) the decision or remand (send back) the decision to the local government for further consideration. LUBA mostly remands decisions that are defective in only one or two respects, which are correctable, but comply with the law otherwise.

That is what happened in our case. The developer cited 8 “assignments of error” in the city’s decision. Of these 8, **only 3** were remanded back to the city. LUBA **upheld 5** of the city’s arguments to deny the hotel.

What did LUBA remand back to us? What do they want us to correct?

- (1) The City had used our **Comprehensive Plan** to back some of our arguments. However, the City had failed to incorporate its Comp Plan provisions into its land use regulations. Oregon law states that if a city fails to do that, it can’t use the Comp Plan provisions as basis for decisions.

So, that’s on us... the guys that were running the city before the current folks didn’t keep up to date on Oregon law. Shame on us!

But we do have a **Design Ordinance 4.150** that states, “Design review provides aesthetic judgment over development projects in order to maintain the unique character of the community by keeping buildings to human scale and reflecting the natural beauty of the city’s setting, to encourage the traditional style of the PNW...”

We also have **Ordinance 4.136 3 (a) and (c) and 4.153 3 (a) - (j)** which the developer did **not** follow in his flimsy application.

The developer **must** comply with our City’s Ordinances! He hasn’t met the burden of proof in his application for many of the requirements of 4.153.3.

- (2) **Traffic:** Oy! The “city staff” guy, Walt, who wrote the city’s findings (he’s gone now; please use ORCA’s lawyer to write the city’s findings this time) wrote that there would be “more than” 309 trips a day of cars going “downtown”. Both the developer’s and our traffic engineer said “up to” 309 trips a day. So LUBA said “more than” was not supported by “substantial evidence in the record” and there was no evidence that cars would be going “downtown”. Ah, lawyers!

We just need to **rewrite** this part of the denial because the issue isn’t “up to” or “more”, the issue is **309** car trips navigating a **5 way** stop sign intersection (who goes first? Was that on the driving test?) with families and children biking and running and walking. When *that* accident inevitably happens, the lawyers will have a field day because it is **on record** that the citizens knew this was going to happen and the City didn’t heed our warning. Look at his plan: there is only one entrance/exit to the gully and it comes out at this weird intersection.

- (3) OK, now we are up to the third remand. This one is on **dwelling and density**. Since the developer’s proposal was so flimsy, no one knew if his hotel had “dwellings”. He said “no” but he also said that his hotel was going to be like his Arch Cape Lofts. Go to their website. The rooms have “kitchenettes”. There are pictures (microwave, sink, fridge). This makes them “dwellings” according to the city’s definition in the Ordinance 10-03. All very confusing. LUBA was confused too and called for a “do over”. They said we needed to get more information from the developer to decide the dwelling/density issue.

And now we come to **MY** greatest concern. I'm a physician (wish I was a lawyer because reading the LUBA document was not easy reading). I care about **health and safety**.

Bear with me here: In the LUBA report it states "the hotel is proposed to be developed on the northern part of the property, while approximately 14,800 sq feet of open space is proposed for the southern part of the site adjacent to the golf course".

MZO 3.030(4) (a) also states "overall density for the SRR zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site...where at least 40% of the total lot or parcel area is reserved or **dedicated as permanent open spaces as a public or private park area**. 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".

Here is where we need to go on a field trip.

The 3.6 acres where the proposed hotel is to be built has dense blackberry bushes that hold up the north slope (above it is Classic Street with the constant roar and rumble of construction vehicles headed towards the Highlands where hundreds more homes are going to be built and huge RVs headed for the State park).

Then, there is a bit of flat area (where I assume the dwelling units will be) and then, there are the TREES. Vast, giant, beautiful fir and pine trees that act as a buffer between the golf course and the surrounding area. A dense screen to prevent the errant golf ball from hitting people and cars.

Remember the flimsy proposal? Well, nowhere does it say where this 40% of "open space" is to be. He might say it is the patchwork of pieces between the units or include the parking lot, both of which do not follow the intent of the Ordinance which is "public or private **park area**". My guess... he is going to cut down the trees. I don't think he knows about **Manzanita's Tree Ordinance 4.142**: "The City encourages retention of existing trees wherever feasible and prohibits clear cutting of lots prior to review and approval of a site plan or tree replacement plan" or that the City is vigorous in following our Ordinances.

Now, why do I care about the trees?

(In this day and age, we know that large old trees are essential for carbon capture in our fight against impending climate change, they are habitats for a declining population of songbirds and animals and they add joy to those of us who rest our eyes on their beauty. But none of this has been deemed an argument against the development....so, keep reading).

And this is when I get nervous.

A 2020 article in the "**Legal Examiner**" was titled "**Golf Injuries are Big Business for Lawyers**". In 2015, **Oregon Live** reported that a Californian woman, Joan Eckerstrom, sought \$900,000 in damages in a lawsuit brought against the golfer and Gearhart Golf Links. The lawsuit filed in Portland, said that she suffered from vertigo, ringing in the ears and other head injuries when a golf ball hit her head while she was walking on a street east of the golf course. Her lawyer said, "There were some downed trees from many years ago that the golf course chose not to replace."

The journalist went on to write "Attorneys familiar with the industry say people struck by golf balls when they 're outside a golf course ...have stronger legal claims."

I'm not a lawyer (as I said), but after my deep dive into golf ball injuries and lawsuits, I am sure that if someone walking on Classic or a customer at the hotel gets hit with a golf ball they can sue the hotel and the City for **knowingly** allowing the trees, that acted as a buffer from errant golf balls, to be removed. Up in the Classic Street Cottages we have a collection of errant golf balls already.

I am also not a golfer, but my golfing friends tell me that **many** golfers "slice to the right" on that signature fifth hole...and "right" is where the hotel would stand and beyond that Classic street. And as a full time resident and tax payer, I don't want to help pay the City's legal fees when they are slapped with a million dollar lawsuit. Because head injuries are no joke.

So, please, hear the citizens of Manzanita. No one is in favor of this hotel. This is OUR town. Please be OUR voice. Please do not approve a plan that is flimsy and poorly drawn up. He can do better. And ask about the trees, the golf course and liability. The gully should have been part of the golf course. It is a dangerous place to put a huge hotel. It is a dangerous place, frankly, to build anything.

I request that the record be left open for an additional 7 days after your decision.

I thank ORCA (Oregon Coast Alliance) for all their help navigating Oregon's land use laws and request that the Planning Commission utilize their lawyer's expertise which ORCA offers pro bono. If the Planning Commission denies the application (as I think you *must*), please have ORCA write the findings. In this way it will be airtight and defensible.

Respectfully,
Yvana Iovino, MD



(full time resident at 352 Jackson Way, Manzanita, OR)

Definitions:

LUBA (Land Use Board of Appeals) :

LUBA's mission is to provide a specialized appellate review body that will

- (1) Provide an accessible forum for resolving land use disputes quickly and efficiently
- (2) Make its decisions available as a decision-making resource to state, city, county, property owners and residents of Oregon.

ORCA (Oregon Coast Alliance):

ORCA is a nonprofit organization founded in 2009 to protect the Oregon coast by working with coastal residents for sustainable communities; protection and restoration of coastal and marine natural resources; providing education and advocacy on land use development; and adaptation to climate change.



Roosevelt Elk grazing in the gully, between Classic and Dorcas, next to but away from the golf course and golfers.

From: Sandy Wood <columbiagrove@msn.com>
Sent: Sunday, May 21, 2023 9:19 PM
To: City Planning
Subject: Manzanita Lofts

To all the members of the City of Manzanita Planning Commission:

Thank you all for your careful consideration of the Manzanita Lofts project.

I hope that you have all had the time to study the original materials, both written and orally testified, that the Planning Commission considered before their decision on June 20, 2022.

The many hours of careful consideration shown on that date at the public meeting, were an example of their diligence and of their listening to the public input, before they bravely voted for denial of this project.

The appeal to the City Council on July 22, 2022, honored all that work, as they, too, unanimously voted to deny the project.

Hopefully you have also read all the testimony from the public to the City Council at that time.

The appeal of the decisions of the Planning Commission and the City Council to LUBA and their response on February 7, 2023, has resulted in this hearing.

We hope that all of you will honor the concerns presented.

Again, the City is required to represent the public, not the developer.

If you choose to deny our objections, we request that the record will remain open for 7 days.

To avoid any problems with the language of the findings, we also request that the ORCA attorney who defended the case before LUBA be allowed to assist with the writing of the findings, so they are well written and defensible.

The golf course and the homes around it were designed with the understanding that golf balls do not always travel as the golfer wishes. The signature hole #5 is especially important to the golf course and the golfers.

The trees add to the beauty of that hole, as well as being homes for birds.

The proposed hotel will be in line of the golf balls hit by 75% of the golfers who slice right.

This is not in substantial harmony!

Will golfers decide to go to another course to avoid the potential of hitting people, cars, windows?

Who is responsible for damage or injury?

Since the City of Manzanita is aware of the potential problems, isn't the city liable?

Several of us, walking down one of the lanes with our dogs, talked with a group of golfers getting ready to head to the golf course for the tournament on Friday, May 19th. They were unaware of the potential buildings, and were very much opposed. They planned to talk with other golfers and express their concerns.

Not in substantial harmony!

Traffic in the area is already a challenge, with RV's, tow vehicles with their large camping trailers, horse trailers, mixing with regular cars, business vehicles, golf carts, pedestrians with children and dogs, joggers, bicyclers, scooters, motorcycles, skate boards.

Visibility isn't good already, especially if cars are parked along Classic or Dorcas.
Traffic will increase with the opening of Dorcas, post construction.

Several of us watched the traffic at the intersection of Classic and Dorcas for long hours on Friday, Saturday, Sunday (May 12 to 14) in the heat.

We watched vehicles slide through stop signs, or blow rapidly through them.

We watched pedestrians struggle to stay safe along Classic Street; the lack of sidewalks or a marked area of safe passage are of concern. Some had traffic moving over for safety, only to have a vehicle coming the opposite direction.

We listened to their concerns, and their worry about increase in traffic when Dorcas is open again.

We heard their disbelief that anyone would approve a hotel and a fifth intersection in the area, especially since it is the only entrance and exit for the hotel.

Not one person expressed any approval of the project.

The anticipated additional 300 plus trips to and from the hotel at least doubles the traffic, meaning a recipe for disaster.

Not in substantial harmony!

The applicant, to our knowledge, hasn't addressed any of our objections of a year ago.

He has agreed, in the written remand request, that the development will comply with the density standards outlined in MZO 3.030(4)(a).

Where is said amended application?

He has not met the burden of proof. He MUST provide the specifics of HOW he will comply with these standards.

The brief application he provided early in this process does not give the Planning Commission the knowledge you require to make a decision.

Manzanita Zoning Ordinance 4.136.3.c.(3) states "The area around the development can be planned to be in substantial harmony with the proposed plan."

If the city approves the project, while knowing the location is inherently dangerous, the CITY takes on the liability if anyone is hurt.

The area around the proposed development is a RESIDENTIAL area, not allowing Short Term Rentals in at least 3 of the surrounding HOA's.

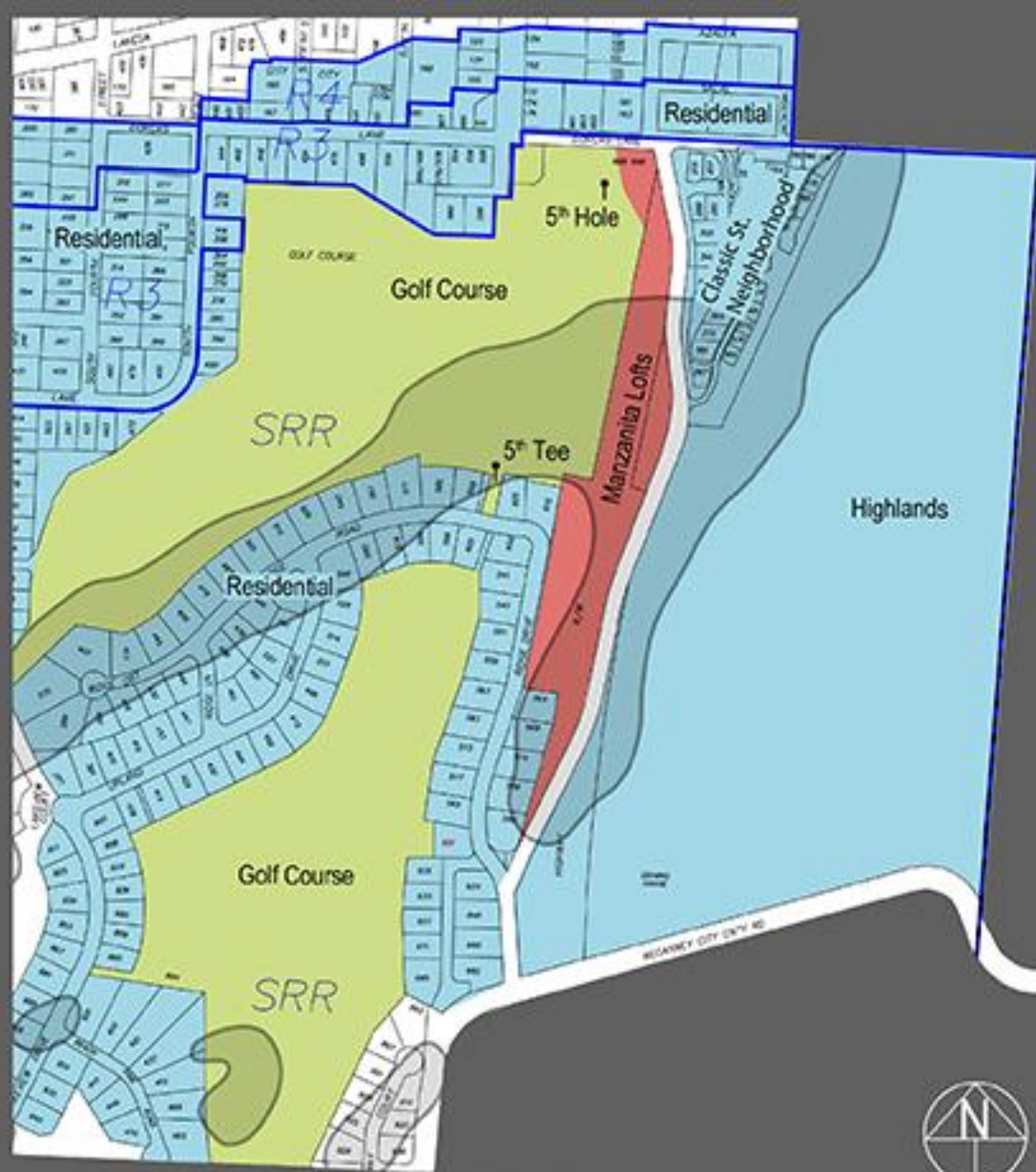
Dorcas has 33 homes between Classic Street and the Post Office on Laneda. The hotel would double the number of dwellings.

The hotel is a group of STR's in reality, with a community center, gathering place, firepits, keyless entry, need for housekeeping trips, etc. How can this be defined in substantial harmony with the neighborhood or with the golf course?

This project is NOT in "substantial harmony" with the standard, and must be denied.

Thank you for listening.

Sandy Wood
120 Beeswax Lane
Manzanita, Oregon





5th Hole

Classic St. Neighborhood
Classic St.

Manzanita Lofts

Golf Course

Dorcas Ln

161

Sent from [Mail](#) for Windows

From: Parker Bloser <pzbloser@gmail.com>
Sent: Monday, May 22, 2023 3:20 PM
To: City Planning
Subject: Manzanita Lofts Proposal

Dear Planning Commission Members,

As a Classic Street Cottage owner I often walk down Dorcas Lane to the P.O. and routinely see cars and trucks barreling through the Classic St. stop signs. Adding a new hotel entrance very close to this intersection would make for a very tricky configuration of roads and a lot more traffic which would be quite dangerous for pedestrians, cars and cyclists.

By adding so many short term rentals masquerading as hotel rooms, the character and relative harmony of the area would be upended. The vague promise of a certain amount of community parkland without a definite designated reasonably flat and walkable area is ludicrous. Mostly I think that the proposed development would only add to the Seasideification of Manzanita, and make it a less nice place to be

Sincerely,
Parker Bloser

RECEIVED

MAY 22 2023

CITY OF MANZANITA

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

A potentially deadly situation could be created over something as simple as a golf ball. I'm talking about *if the City approves a hotel in a location frequently hit with 130 to 180 mph golf balls...*

I've golfed at the course in Manzanita for over 20 years. Long ago I lost count of the rounds I've played there. Despite golf schools, golf magazine articles, advice from fella golfers, and best intentions, like many others, I still frequently slice the golf ball to the right. At times it turns out okay, but *can possibly be disastrous to anything in the way of 130 to 180 mph golf balls.*

Unfortunately MANY golfers who play Manzanita Links also slice. That brings me to my point. *A 34-unit hotel is proposed adjacent to the Signature 5th hole. If built in that location it will be in direct line for frequent potentially lethal golf balls.*

Manzanita Ordinance 4.136.3.c. states "The area around the development can be planned to be in substantial harmony with the proposed plan." Given the hazards of putting a hotel next to the 5th hole and the City's liability of knowingly doing so, this does NOT meet the standard of "substantial harmony."

If the City approves this project while knowing the location is inherently dangerous, the City could be liable.

So I suggest you listen to this golfer and concerned citizen--DENY THIS PROJECT.



Paul A. Hughes
661 Dorcas Lane
Manzanita

From: Paul Hughes <photopaulh@gmail.com>
Sent: Monday, May 22, 2023 8:48 AM
To: City Planning
Subject: This is Our Land...
Attachments: [elk at classicdorcas 9-22 w.jpg](#); [elk at classicdorcas 2 9-22 w.jpg](#);
[elk at classicdorcas 3 9-22 w.jpg](#); [elk at classicdorcas 4 9-22 w.jpg](#)

Photographed this herd of elk bedded down along Classic Street and Dorcas Lane, the wooded site being proposed for the Manzanita Lofts hotel.

Could they be saying "This is our land, No Hotel!?"...

Paul Hughes
661 Dorcas Lane
Manzanita









May 23, 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,

The following is supporting evidence and arguments of why I believe the Manzanita Lofts Project should once again be denied in this remand.

I and many other citizens of Manzanita are giving supporting evidence to deny this project. Please thoroughly discuss your reasons why you believe the evidence is right or wrong in your deliberations so your decision is clearly defensible. If the project is denied again, I recommend the Planning Commission have ORCA's (Oregon Coast Alliance) attorney who defended the case before LUBA be allowed to assist with writing the findings so they are well-written and defensible.

Please leave the record open for an additional seven days.

Definition of Dwelling Unit: MZO 1.030

Dwelling Unit.: 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

Supporting Evidence to Deny

The application and floor plan drawings are incomplete. The 19 stacked units in the floor plans appear to meet the definition of a dwelling by showing refrigeration, sink, toilet, and shower on the floor plan. The 9 cabins are definitely dwellings showing refrigeration, cooking facility, dishwashing machine, sink, toilet, and shower. The 6 microcabins are left to the imagination with little information on the floor plan. A toilet is not even shown.

Without more detailed information, that meets the burden of proof, the Planning Commission must apply the density requirements of MZO 3.030(4)(a)

Density: MZO 3.030(4)(a)

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 such 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.

Supporting Evidence to Deny

The remand notice states: "The applicant has agreed in the written remand request that the development will comply with the density standards outlined in MZO 3.030(4)(a)."

If the applicant follows the ordinance, the **34** dwellings and a community building are **MORE** than what is allowed on the site. Calculating the numbers, that would be **24** dwellings on 3.83 acres allowed at 6.5 dwellings per gross acre. Or **29** dwellings allowed clustered on 60% (2.3 acres) of the site at 13 dwellings per acre, and 40% (1.53 acres) open space. The applicant is not complying with the ordinance by including 34 dwellings and a community building.

No amended application has been provided on how the applicant will comply.

No amended application has been provided showing where the 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 open space should be on flat land, not on the inaccessible hillside next to Classic or Dorcas.

The zoning ordinance states it "shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City." Where is this open space located on the site?

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)."

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

Geologic Hazards: MZO 4.136(3)(c)(2)

The resulting development will not be inconsistent with the zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards, and storm drainage.

Supporting Evidence to Deny

No report has been provided by the applicant on geologic hazards of the sloping bank from Classic Street into the site of the proposed project. There are portions of the sloping bank presently collapsing.

The applicant has not met the burden of proof for the project.

In substantial harmony with the surrounding area: MZO 4.136(3)(c)(3)

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

Supporting Evidence to Deny

A commercial hotel is not in substantial harmony with the residential areas to the east and north of the proposed site and a recreational area to the west.

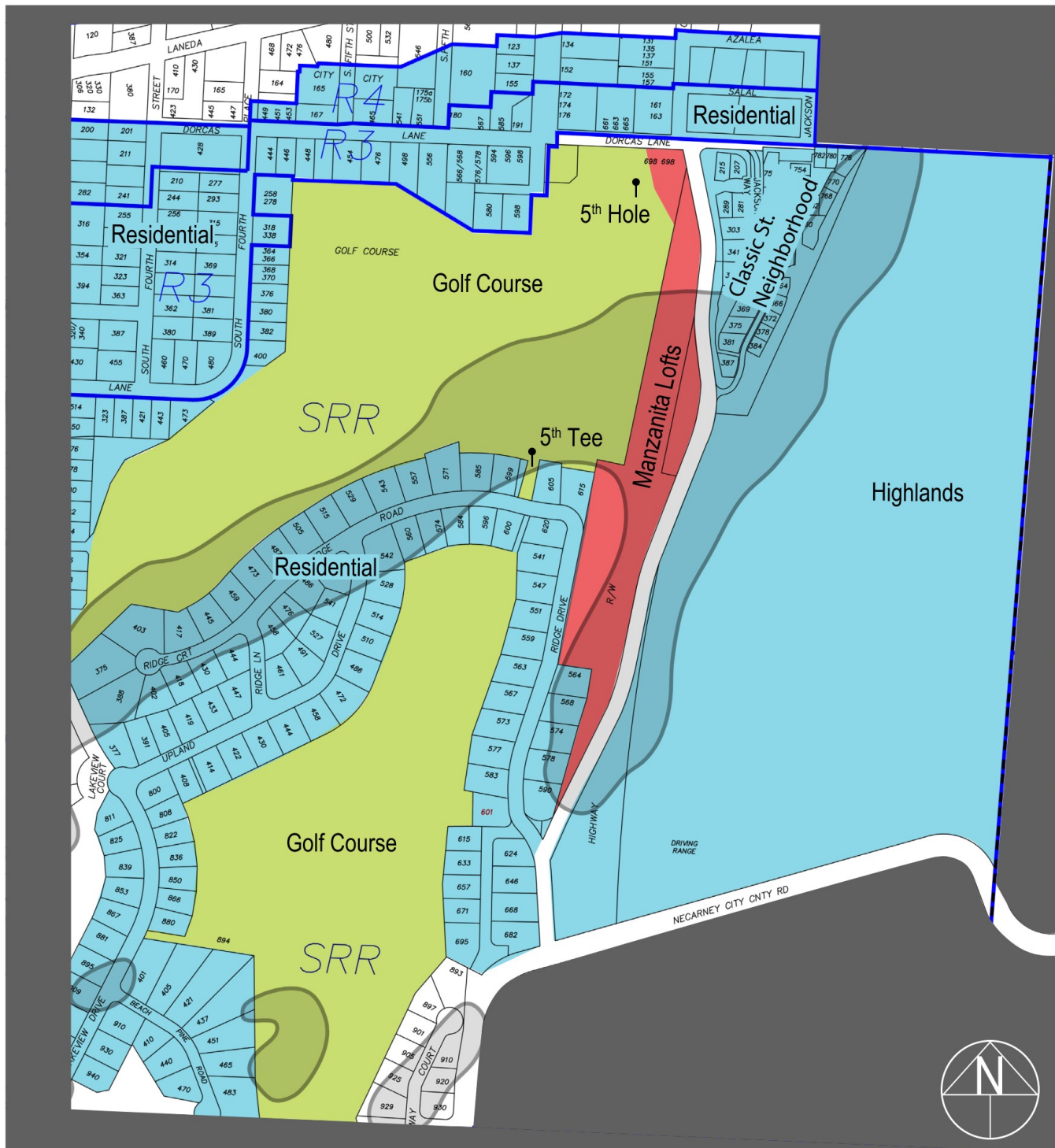
There will be considerably more activity, traffic, noise, and smoke from fire pits coming from a hotel than from a residence. In a previous finding, it has been said that "Site topography places most of the structures below residential uses to the east thereby limiting visual impacts." I live to the east of the project and I will easily be able to see the hotel buildings, community building, parking lots and listen to the noise emitting from the commercial property. How is a commercial 34-unit hotel with limited staff and a community building in substantial harmony with residential neighborhoods? Dorcas has 33 homes on its entire length. This hotel will double the number of dwellings on the street.

The golf course to the west presents safety and liability issues. The golf course owners have indicated the vast majority of the golf balls that are hit from the 5th tee above the proposed project will slice to the right where the hotel is proposed to be built. This creates a significant hazard and injury to all who are staying and working at the hotel. Possible damage to vehicles parked at the hotel can also occur. If the City approves this project while knowing the location is inherently dangerous, the City takes on the liability if anyone is hurt. This does not meet the standard of "substantial harmony".

The following graphic gives a visual representation of this commercial hotel property being completely surrounded by residential and recreational areas. It also shows the relationship of the tee to the green. It is clearly obvious that a ball sliced to the right would end up going toward the hotel.

The project is not in substantial harmony with the area around it. It does not meet this standard and must be denied.

Areas Surrounding the Proposed Manzanita Lofts



CITY OF MANZANITA

ZONING & ADDRESS MAP

LAST UPDATE: APRIL 2018

LEGEND

■■■■■ INDICATES CITY LIMITS

 INDICATES ZONING BOUNDARIES

35265 INDICATES DEVELOPED LOTS

 INDICATES GOLF COURSE (SRR)

INDICATES RESIDENTIAL AREA (R2, R4, SRR)

INDICATES RESIDENTIAL AREA (R3, R4, SRR)

Graphic by Mica Russo

Traffic: MZO 4.136(3)(c)(5)

The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

Supporting Evidence to Deny

The intersection at Dorcas and Classic has an odd configuration making it difficult to determine which direction vehicles are turning, even with a turn signal on. I have started to cross Classic several times with a car going south on Classic indicating by the turn signal he is turning left onto Dorcas, but instead continues on Classic believing he needs to use the turn signal because of the jog in Classic. I live here and daily see vehicles not even stopping at the stop signs. The streets are very busy with cars, pedestrians, and bicycles. There are no sidewalks or crosswalks on either street. This makes it hazardous for pedestrians to cross. The traffic will be increasing as more homes are built in the Highlands development. Any future enlargement of the facilities in the state park will also add traffic thru this intersection. The Greenlight Engineering report state that the Manzanita Lofts project will bring up to 309 additional vehicles at that intersection on a busy Saturday. Do we need a commercial hotel in a residential area to add to the traffic overload on Classic Street and Dorcas Lane?

This project would add a fifth stop sign near an already busy and confusing intersection and double the number of dwellings on Dorcas.

In the Greenlight Engineering traffic report dated July 16, 2022, concerning the "Driveway Proximity to Classic Street/Dorcas Lane Intersection" the engineer states: "A spacing of 50 feet from an intersection would certainly be appropriate for a single-family residence by most agency access spacing standards on a low volume, low-speed residential road. However, in serving a development of this size (34 dwellings), the proposed driveway could be problematic. The proximity of the driveway could cause issues for entry and exit to the driveway such as traffic queued at the intersection blocking the driveway and left turn traffic trying to enter the driveway queuing back to the intersection."

The applicant's traffic engineering report states: "At the intersection of Classic Street with Dorcas Lane, sight distances can be met on each approach, although brush at the northeast corner of the intersection may need to be trimmed to meet the recommendations. Sight distance of 280 ft can be met at the proposed site access on Dorcas Lane with trimming of brush to the west of the driveway."

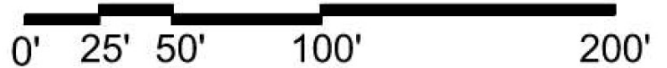
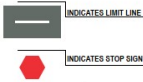
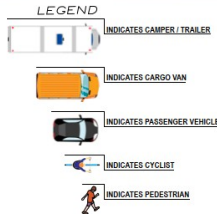
But the applicant does not own all of the property to the west of the driveway along Dorcas. The adjacent golf course is located on a conservation easement. All trees on the property are protected under this conservation easement the City holds, and is required by law to enforce. The vegetation and trees along Dorcas protects homes, vehicles, and people from rogue golf balls.

The applicant has not met the burden of proof for the project.

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Base Layers:
Google Map Street View
Manzanita Lofts Site Plan



Graphic by Mica Russo

I appreciate your attention to the facts and arguments that I have laid out in this letter/email. I urge you to deny the Manzanita Lofts proposal for the supporting evidence and reasons stated above.

Thank you,

Jim Miller

May 23, 2023

To: Planning Commission, City of Manzanita

From: Laura Willingham Milne
303 Jackson Way
Manzanita

Greetings,

I am writing to the Commission to express concern regarding the traffic at the intersection of Classic Street and Dorcas Lane and the impact of the proposed Manzanita Loft development.

Having lived here for 7 years, I have navigated the intersection of Classic Street and Dorcas innumerable times. The following are several concerns I'd like to raise about the current traffic at this intersection:

- This is a complex intersection due to the misalignment of Classic Street at the intersection (there's a jog in the road in the middle of the intersection).
- This intersection is difficult to navigate due to the deep set back of the stop sign on the northbound lane of Classic Street (located in the south side of the intersection). Drivers don't fully perceive the pedestrian and bicycle activity in the intersection and often roll through the intersection without making a complete stop.
- Drivers often do NOT wait for pedestrians due the length of time that it takes to cross Classic Street with the misalignment in the middle.
- Classic Street carries overflow traffic from Nehalem State Park as people driving RV's and pulling trailers seek to avoid the curviness of Necarney City Road by accessing Highway 101 via Classic to Laneda.
- Neither Classic Street nor Dorcas Lane provides sidewalks for the multitude of walkers using these streets. This makes them difficult to navigate as pedestrians have to dodge vehicles.
- Pedestrian traffic on Classic Street has recently increased due to the Highlands development. Furthermore, the continued development of the Highlands neighborhood will continue to increase automotive, bicycle and pedestrian traffic on Classic Street, particularly in the northbound direction, feeding into the Classic/Dorcas intersection.
- Navigating Classic Street is already complex due to the lack of safety barriers along the west side with a steep drop off into the gully below. My husband and I have witnessed people misjudging this dropoff and slip down the edge.
- I've witnessed families of 5 riding bicycles down Classic Street, fully blocking the flow of traffic, utterly unaware they are approaching a complex and potentially dangerous intersection.

As it stands, the intersection of Classic Street and Dorcas Lane is a difficult and tricky intersection to navigate.

Approval of the Manzanita Lofts development would introduce a substantial increase in traffic to this already challenging intersection.

Please refer to the attached traffic mock-up of the 5-way intersection that would be created by the Manzanita Lofts development: The misalignment of Classic Street in the middle of the intersection plus the deep setback of the stop sign on the northbound lane on Classic Street would make a left-hand turn onto westbound Dorcas particularly precarious with the additional traffic coming out of the Manzanita Lofts development.

I urge the members of the Planning Commission to spend time at this intersection. Bring your lawn chairs and settle in for a busy Saturday afternoon. The issues will become readily apparent.

Respectfully submitted,

Laura Willingham Milne

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Base Layers:
Google Map Street View
Manzanita Lofts Site Plan

LEGEND



INDICATES CAMPER / TRAILER



INDICATES CARGO VAN



INDICATES PASSENGER VEHICLE



INDICATES CYCLIST



INDICATES PEDESTRIAN



INDICATES LIMIT LINE



INDICATES STOP SIGN

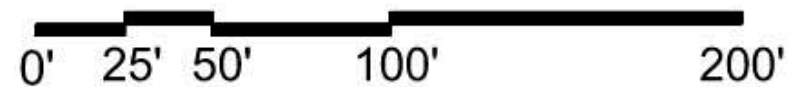


Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts

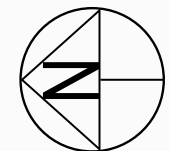


Imagery ©2023 CNES / Airbus, Maxar Technologies, State of Oregon, Map data ©2023 Google

Base Layer 1:
Google Map Street View



Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Proposed Unit Development by Vito Cerelli

Base Layer 2:
Manzanita Lofts Site Plan

0' 25' 50' 100' 200'

From: Yvana Iovino <yvana.iovino@gmail.com>
Sent: Wednesday, May 24, 2023 1:02 PM
To: City Planning
Subject: Manzanita Lofts Hearing

Dear Planning Commissioners,

Just read the City Staff report.

Why would we approve the developer's plan with all the provisions they listed?
It should be on **him, the developer**, to re-do his application and follow the rules— comply with all the ordinances and in this way the Planning Commission can decide whether or not to approve his proposal. Please don't set a precedent for accepting shoddy work.

The Planning Commission and the City Council were correct in their decision the last time.

Nothing has changed.

PUD code says we need to see the **entire** plan with specifics not just the phase1 (hotel) and nothing actually specified.

If this is approved, it will move forward and he can add whatever he wants without the approval of the Planning Commission.

Who is going to bird dog what he does going forward?

We, as residents of this neighborhood, will have no say even though this ill conceived project in a dangerous area will impact us greatly.

Please listen to us.

We live here.

He does not. He may own the land and zoning allows for a hotel, but a hotel is NOT in harmony with a 100 % residential neighborhood.

This application has to be denied or it will make a mockery of our City's ordinances and rules. He has to do better.

Thank you,

Yvana Iovino (fulltime and voting resident)

352 Jackson Way
Manzanita, OR

From: David Adams <dadams.gomez@gmail.com>
Sent: Thursday, May 25, 2023 5:44 PM
To: City Planning
Subject: Manzanita Lofts project

We purchased our shares in the Manzanita home at the corner of Classic and Dorcus back in 2006, with the goal of having a peaceful place to stay/visit in the quaint town of Manzanita. To build this Manzanita Loft project with a large structure literally across the street from our place, adding more traffic, visual pollution and potential more noise, will shatter that peacefulness. As I understand it, these will be turnkey temporary residences, with virtually no onsite management or supervision. I would recommend not approving the project at this location, but instead a less intrusive location, such as the lot that currently has the quonset hut building on Manzanita Ave.

David Adams

Sent from my iPad

From: Ruth Adkins <ruthadkinspdx@gmail.com>
Sent: Thursday, May 25, 2023 2:47 PM
To: City Planning
Subject: Opposition to the Manzanita Lofts project

Dear Members of the Planning Commission,

Thank you for your service to the City of Manzanita. We write in opposition to the Manzanita Lofts vacation rental/hotel development and urge you to deny this application. We are co-owners of the home located at 163 Classic at the corner of Dorcas. Our home is directly across from the proposed sole entrance/exit into the development and we and our fellow owners have a front-row view of the traffic situation at this intersection.

Manzanita Zoning Ordinance 4.136 states that "The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area."

The traffic study does not match the reality on the ground. Our first-hand experience, based on our owners' collective year-round observation since 2006, is that safety and congestion at this intersection is already a concern due to the nonstop traffic including cars, RVs, light and heavy trucks, pedestrians, strollers, bicycles and scooters. We already are seeing significantly increased congestion and safety concerns due to the ever-expanding Highlands Development and other growth in town. Adding a single driveway just west of Classic, effectively creating a five-way intersection, as well as the traffic volume from 34 short-term rental units and 53 parking spots, with no planned safety improvements from the City, is unacceptable.

The streets are not adequate to keep pedestrians safe. The development will overload the streets outside the planned area. Adding a vacation rental development of this scale is not in harmony with the surrounding residential neighborhood. The Planning Commission should deny the application.

Thank you for your thoughtful consideration and doing what is right for safety and quality of life in Manzanita.

Sincerely,
Ruth and Todd Adkins
163 Classic St.

From: Kristin Dinkheller <kmdink@gmail.com>
Sent: Thursday, May 25, 2023 10:24 AM
To: City Planning
Subject: Proposed Development at Classic & Dorcas

Dear Planning Commission,

I am a co-owner of 163 Classic Street, and am writing to share my concerns about the proposed hotel development at the corner of Classic and Dorcas in advance of the Planning Commission's next meeting.

My concerns fall into three primary categories: traffic, density and substantial harmony with the surrounding area.

1. Traffic - Through our kitchen window, which faces Classic, we observe vehicles (often big trucks and oversized camping trailers) blowing through the current stop sign on Classic at Dorcas multiple times a day. And I'm not just talking about rolling, almost-stops here... some vehicles barely even slow down.

I have personally experienced close calls when out walking my dog or crossing the street to my parked car, and I can only imagine how much more dangerous this situation will become as 300+ additional vehicles pass through the intersection each day (Source: Greenlight Engineering) and we add the complexity of a fifth stop sign to an already wonky intersection. With no sidewalks in place on any of the surrounding streets, the proposed traffic increase and even more confusing intersection layout will exacerbate an already unsafe situation.

2. Density - The developer has provided insufficient detail in his plans to demonstrate how the new complex will meet established density standards. General assurances are not enough in this case; he needs to meet the burden of proof with details about whether or not these units meet the definition of a dwelling unit and how deed-restricted open space will be incorporated into the property layout.

3. Substantial Harmony with the Surrounding Area - There's nothing harmonious about dropping a high-density hotel into the middle of a low-density residential area. On the contrary, a 34-unit hotel squeezed into a small corner of a street that only has 33 other homes spread across a much longer stretch is substantially **UN**harmonious. And both the developer and the city risk placing any future hotel guests in harm's way based on the configuration of the proposed development relative to the existing 5th tee and 5th hole of the golf course.

I once again urge the Planning Commission to deny the proposed development in favor of ensuring greater pedestrian safety, honoring established density standards and maintaining the harmony of the surrounding neighborhood.

Thank you for considering my perspective on this matter.

Sincerely,
Kristin Dinkheller

City of Manzanita Planning Commission

PO Box 129

Manzanita, OR 97130

May 20, 2023

RECEIVED

MAY 24 2023

CITY OF MANZANITA

Subject: 34-unit hotel **Permitted does not mean Approved.**

Commissioners:

LUBA ruled that a hotel is permitted in the SRR subject to the provisions of MZO 3.030(4) and MZO 4.136(3)(c)(3).

The LUBA Remand order references MZO 4.136(3)(c)(3) and I quote "the area around the development can be planned to be in substantial harmony with the proposed plan."

Why isn't the **proposed plan in harmony** with the area around the development?

The area around this proposed development is dominated by single family homes. There is no open land that can be developed as another hotel "to be in harmony with this proposed development". **Map of the area attached.**

The area around the development is 100% single-family homes. The nearest hotel is 4 blocks away.

I am totally opposed to this project being built.

The address of this project is 698 Dorcas Ln, which means per Manzanita building code the entrance to the building must face Dorcas Ln. However, in the conceptual drawings the office and the dwelling units face Classic Street. How is this address possible???



William Gumpenberger

610 Division Ct

Manzanita, OR 97130

503-970-8591

bgumpenberger@hotmail.com

Areas Surrounding the Proposed Manzanita Lofts



CITY OF MANZANITA ZONING & ADDRESS MAP

LAST UPDATE: APRIL 2018

LEGEND

- INDICATES CITY LIMITS
- INDICATES ZONING BOUNDARIES
- INDICATES DEVELOPED LOTS
- INDICATES APPROXIMATE LOCATION OF DUNE OVERLAY ZONES
- INDICATES GOLF COURSE (SRR)
- INDICATES RESIDENTIAL AREA (R3, R4, SRR)
- INDICATES PROPOSED MANZANITA LOFTS (SRR)

From: Janet Lee Johnson <janet@janetleejohnson.com>
Sent: Thursday, May 25, 2023 1:25 PM
To: City Planning
Cc: Janet Lee Johnson
Subject: Planning Commission Hearing May 30 Input
Attachments: [Traffic-Intersection_Dorcas-Classic-ManzanitaLofts.pdf](#); [Untitled attachment 00011.htm](#); [Areas_Surrounding_ManzanitaLofts.pdf](#); [Untitled attachment 00014.htm](#)

Greetings Planning Commission. I am writing once again to oppose the proposed Manzanita Lofts hotel. We live in the Classic Street Cottages, right up the street from the proposed hotel. We walk across Classic and Dorcas to go into town and to the beach regularly, and are especially concerned about two things about the proposed hotel:

1) Traffic Concerns: And the dangers of a 5-way traffic stop. Please see enclosed visualization (Traffic-Intersection_Dorcas-Classic-ManzanitaLofts.pdf). The proposed hotel will add significant traffic to the four-way stop right now, and Manzanita Zoning Ordinance 4.136 states that *"The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area."*

It's clear to us that the additional 5th stop sign proposed by Manzanita Lofts would be their only entrance and exit, and would add confusion to the area, due to lack of visibility, and pedestrian / cyclist safety in a busy intersection that already suffers from drivers rolling through or running the stop signs. Just last weekend on my walk I watched as a car rolled right through the intersection without stopping, and without noticing I was even there.

2) Substantial Harmony: Manzanita Zoning Ordinance 4.136 3.c.(3) states *"The area around the development can be planned to be in substantial harmony with the proposed plan."*

Please refer to the enclosed zoning map (Areas_Surrounding_ManzanitaLofts.pdf), which shows that the properties adjacent to the proposed Manzanita Lofts are residential neighborhoods or open space related to the golf course. It is clear that a 34 unit hotel (with limited staff and a community building) would be disruptive and would not be in substantial harmony with the neighborhoods around it.

- Dorcas Ln. has 33 homes on it from Classic to the Post Office: this hotel will double the number of dwellings just on Dorcas.
 - None of the closest residences on Dorcas Ln or in our Classic Street Cottage areas have been zoned for short-term rentals.
- Considering the surrounding residential neighborhoods, this project is not in substantial harmony with the area around it. It does not meet this standard and must be denied.
- As the graphic shows, the proposed hotel will have a golf course to the west. The 5th tee is on the map for reference. Upon reading a golfer's review (link) of the 5th tee, they remark, "The tee area is 80' above the fairway and provides a wonderful view of the hole. Only 280 yards from the back tees will provide the golfer with a great opportunity for an eagle." An "eagle"

would require the golfer to sink the golf ball in 2 strokes — a challenge often sought after, but also remarkably difficult to maneuver.

- The golf course owners have indicated the vast majority of the golf balls that are hit from the 5th tee above the proposed project will slice to the right, creating a significant hazard to people below. If the City approves this project while knowing the location is inherently dangerous, the City takes on the liability if anyone is hurt.
- Given the hazards of putting a hotel next to the 5th hole and the City's liability of knowingly doing so, this does not meet the standard of "substantial harmony," and must be denied.

Please prioritize the will of the neighbors and the safety of the neighborhood over commercial interests and deny the hotel. Thank you.

Respectfully,

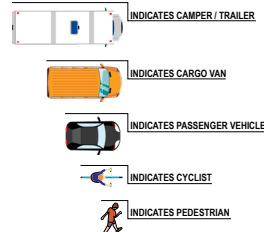
Janet Johnson and Margaret O'Toole
780 Dorcas Lane
503.807.8964 (c)

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Base Layers:
Google Map Street View
Manzanita Lofts Site Plan

LEGEND



Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts

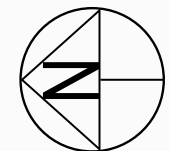


Imagery ©2023 CNES / Airbus, Maxar Technologies, State of Oregon, Map data ©2023 Google

Base Layer 1:
Google Map Street View

0' 25' 50' 100' 200'

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts

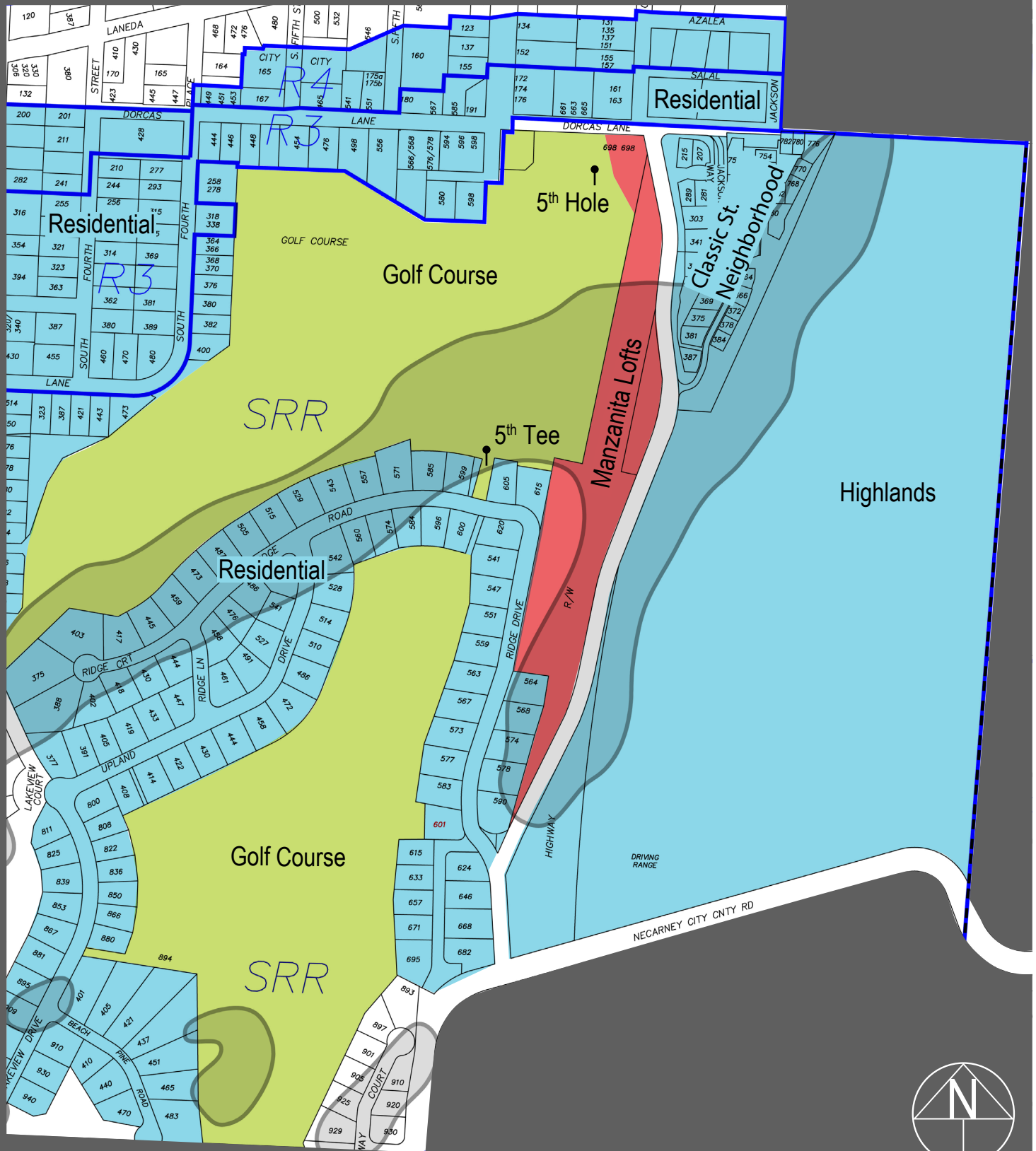


Proposed Unit Development by Vito Cerelli

Base Layer 2:
Manzanita Lofts Site Plan

0' 25' 50' 100' 200'

Areas Surrounding the Proposed Manzanita Lofts



CITY OF MANZANITA ZONING & ADDRESS MAP

LAST UPDATE: APRIL 2018

LEGEND

- INDICATES CITY LIMITS
- INDICATES ZONING BOUNDARIES
- INDICATES DEVELOPED LOTS
- INDICATES APPROXIMATE LOCATION OF DUNE OVERLAY ZONES
- INDICATES GOLF COURSE (SRR)
- INDICATES RESIDENTIAL AREA (R3, R4, SRR)
- INDICATES PROPOSED MANZANITA LOFTS (SRR)

From: gking.cres@sterling.net
Sent: Thursday, May 25, 2023 1:00 PM
To: City Planning
Cc: 'Gordon King'
Subject: MAY 30th HEARING / URGENT ISSUES AND PROPOSED ALTERNATIVES / MANZANITA HOTEL LOFTS
Attachments: [Xerox Scan_05252023123016.PDF](#); [Traffic-Intersection_Dorcas-Classic-ManzanitaLofts.pdf](#)

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 easterly 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 Dorcas 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 Dorcas 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 COMPLAINE 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 COMPLAINE WITH THE DENSITY AND OPEN SPACE REQUIRMENTS 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.

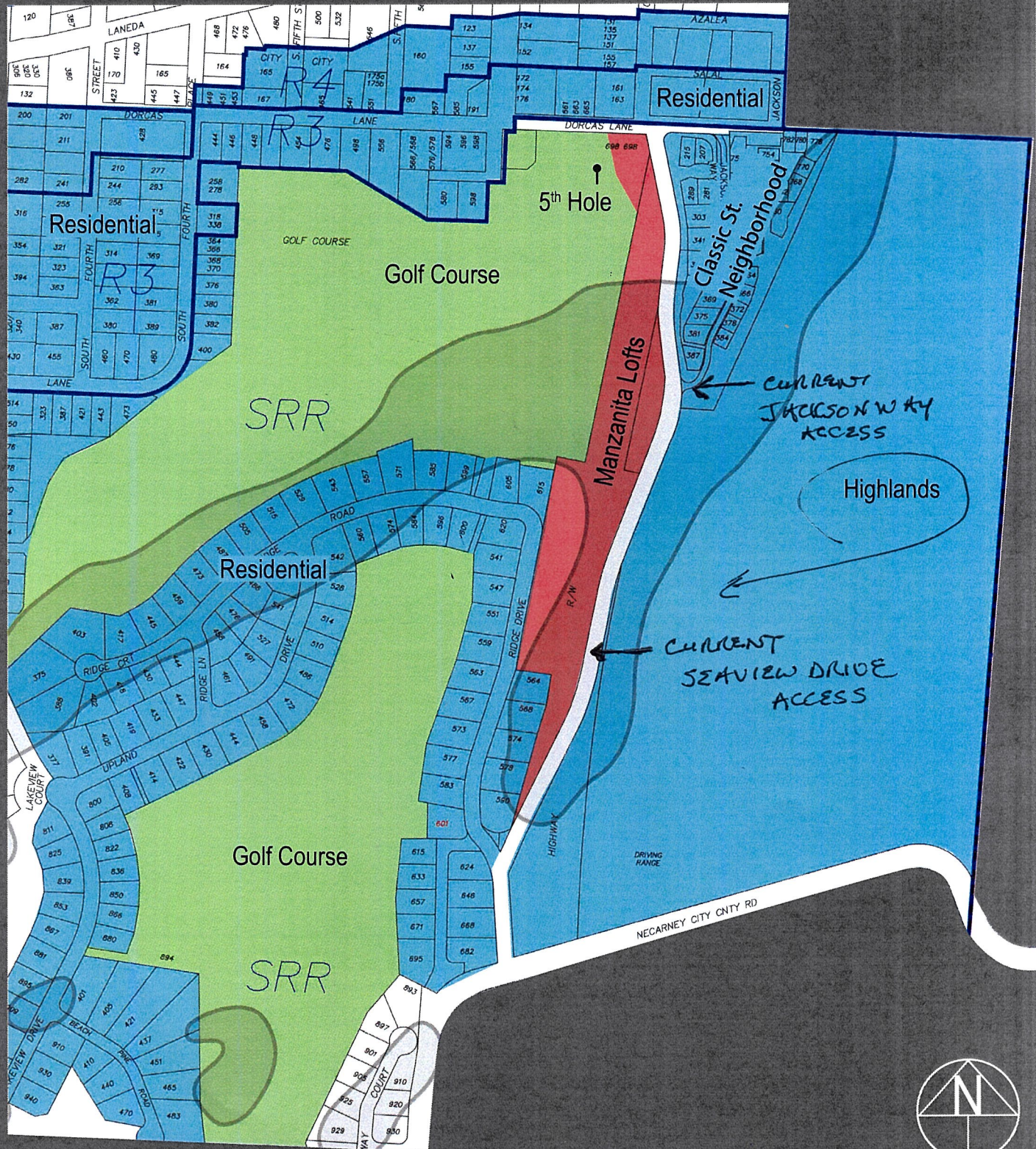
City Commission Members: As one who worked in the public realm for four decades, I understand the difficulties associated with development project review and compliance.

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

Areas Surrounding the Proposed Manzanita Lofts



CITY OF MANZANITA ZONING & ADDRESS MAP

LAST UPDATE: APRIL 2018

LEGEND

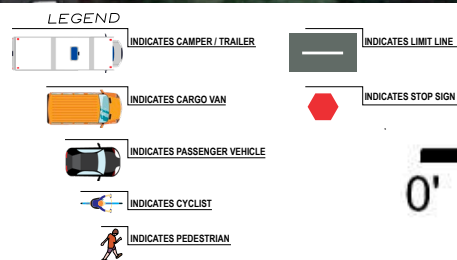
- INDICATES CITY LIMITS
- INDICATES ZONING BOUNDARIES
- 35265 INDICATES DEVELOPED LOTS
- INDICATES APPROXIMATE LOCATION OF DUNE OVERLAY ZONES

- INDICATES GOLF COURSE (SRR)
- INDICATES RESIDENTIAL AREA (R3, R4, SRR)
- INDICATES PROPOSED MANZANITA LOFTS (SRR)

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Base Layers:
Google Map Street View
Manzanita Lofts Site Plan



Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts

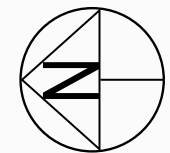


Imagery ©2023 CNES / Airbus, Maxar Technologies, State of Oregon, Map data ©2023 Google

Base Layer 1:
Google Map Street View

0' 25' 50' 100' 200'

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Proposed Unit Development by Vito Cerelli

Base Layer 2:
Manzanita Lofts Site Plan

0' 25' 50' 100' 200'

P. O. Box 338
Manzanita OR 97130
May 22, 2023

RECEIVED

MAY 25 2023

CITY OF MANZANITA

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

Dear Planning Commission:

Subject: Manzanita Lofts Remand

"Both petitioner's and opponent's traffic engineer estimated that the project would generate "up to" 309 vehicle trips on the peak day, a Saturday in the summer. Record 541; 42-46. Evidence that a project would generate up to 309 trips does not establish that a project would generate "more than" 309 trips."

However, in my mind, "up to 309 additional cars" along with the amount of traffic on Classic and Dorcas Streets means considerable traffic for this intersection possibly a 50 percent or more increase. There's no infrastructure to support that increase. Pedestrians, bicyclists, and dog walkers use Classic and Dorcas regularly. Their safety would be severely compromised by this project.

On the weekend of May 12-14, 2023, I spent 11 hours counting traffic, pedestrians, pedestrians walking dogs, bikes, motor homes, golf carts on Classic Street. I counted whether they were going north or south on Classic. Not sure it mattered which direction they were traveling; it was traffic and in my estimation a lot of traffic for a proposed 5-way stop. We're talking traffic on Classic only. Traffic on Dorcas is limited to "local traffic only" at this time because of the ongoing street project.

When the project on Dorcas is completed, many pedestrians will use Dorcas to walk to town whether to access the Beach or just to avoid busy Laneda especially in the summer. It should also be noted there are no sidewalks on either Classic or Dorcas. Cars will take Dorcas to avoid Laneda as there is only one stop sign on Dorcas.

Many people stopped to ask what I was doing. When I explained the traffic situation with the proposed project, many were not aware the entrance and exit of the Lofts' project would be 56 feet from the current stop sign on Dorcas (I measured.) A number of people thought the entrance and exit would be farther down Erickson Drive. They felt this would make a dangerous situation for the intersection of Classic and Dorcas. No one I spoke with was in favor of this proposed project in an established residential neighborhood.

Enclosed is a picture showing traffic at the intersection of Dorcas Lane and Classic Street.

Respectfully,



Barbara A. Lee
Enclosure

From: Linda Olson <l.r.olson@comcast.net>
Sent: Thursday, May 25, 2023 8:17 PM
To: City Planning
Subject: Manzanita Lofts Hearing

May 23, 2023

Dear City of Manzanita Planning Commission Members,

As you review the evidence regarding the LUBA Remand decision in the case of Cerelli vs the City of Manzanita, please add my thoughts and concerns to your consideration and place this letter into the record.

A hotel belongs in a commercial area, not a residential neighborhood.

Regardless of what the paid traffic studies show, everyone who lives in the area knows the intersection of Dorcas and Classic is a busy one for a quiet, residential area. Both Dorcas and Classic are popular with bicyclists, scooters, runners, and walkers and with no sidewalks or walking paths and very little shoulder area, it is already dangerous with just the current amount of traffic. Owning a home in the area makes me very aware that few drivers respect the posted speed limits, with most substantially exceeding them. The large number of visitors to the area are often driving lost and distracted, thereby increasing the chances of a tragic accident. A 34-unit hotel doubles the amount of housing already on Dorcas, but with each unit occupied by visitors, not homeowners who are familiar with the area.

There are still a lot of questions to be answered concerning the density issue. The application is not clear as to whether or not the stacked hotel units meet the definition of dwelling units. If we go by the applicant's previous development in Arch Cape, which appears to be of similar design, this proposed development would be made up of dwelling units. The applicant has stated he will comply with the density standards and reserve 40% of the total lot or parcel area as dedicated permanent open space for a public or private park area or golf course. The applicant does not seem to have met the burden of proof as he has not specified where the dedicated open space will be located so it can be determined if it does indeed meet the density requirements.

This project certainly does not meet the criteria of substantial harmony with the surrounding area. With the hotel more than doubling the amount of dwellings on Dorcas, it will cause this quiet, residential neighborhood to become like so many of the neighborhoods that are currently dealing with a majority of the houses on their streets being run as short-term rentals, especially as the hotel is to have no onsite management and yet is planned to have outdoor activity space, firepits, an open community building, and parking lots, all of which will substantially increase the noise level in the neighborhood. The parking lot and building lighting will affect the peacefulness of the area. One thing we definitely do not need in a residential neighborhood is more light pollution

The property is located in an area notorious for sliced golf shots. If the City approves a hotel project in this area, wouldn't the City therefore be liable for any accidents that occur from those errant golf balls? Placing a hotel on this land is setting it up for damage to the buildings, cars, and the visitors staying at the property. It will also take away not only from the beauty of the golf course and that particular fairway, but also the enjoyment of the golfers who would have to worry about the possibility of injuring someone or causing property damage if they should have an out-of-bounds hit.

The burden of proof is on the developer to show that he is following the City of Manzanita's ordinances and codes. His application material is lacking in many specifics which he has not addressed from the first time the application was denied. The applicant must be required to resubmit his application with specific disclosures in order for the Planning Commission to have the detail necessary to make an informed decision on this very sensitive issue that will affect every resident living in the area.

Sincerely,

Linda Olson

From: Bonnie Savickas <bonniesavickas@yahoo.com>
Sent: Thursday, May 25, 2023 7:36 AM
To: City Planning
Subject: Manzanita Lofts

I've thought about this Manzanita Lofts issue and thought about it and thought about it! How to hit home to the Planning & Zoning Committee of Manzanita the negative impact this complex would have on Manzanita! How to make all of you voted in by we the people realize the negative ramifications of building a 34 unit hotel/cabins & community center on the pristine pine covered ravine of our signature #5 hole would destroy our golf course & residential neighborhood - Is this the proper location of such a complex? We are not Cannon Beach & we don't want to follow in their footsteps of overbuilding! This project does NOT fit the feel of a residential neighborhood & is not in substantial harmony with the golf course or the surrounding neighborhoods - not to mention the congestion & traffic it would create for not only Dorcas but surrounding small neighborhoods - a five way stop sign - additional bikes - pedestrians - cars - trailers. There are 35 homes on Dorcas now let's add 34 more units & additional cabins - would this not be an overload to our streets?

Concerned Citizens of Manzanita originated out of our desire and sincere love to keep Manzanita small & grow & develop in harmony to fit the feel of our quaint community. This oversized project does not belong on the signature hole - needless to say the number of golf balls sliced to the right - and who would be responsible for injury - the city! We have come together strong & adamant in our belief that this oversized complex DOES NOT BELONG IN THIS LOCATION!

We are asking u to listen to we the people who have moved here because we did not want to live in an overdeveloped town - We as concerned citizens who call this our home ask u to LISTEN to us - to our letters - emails & signatures opposing this commercial feel out of place overbuild being constructed on the side of a beautiful pine filled ravine! Is this true harmony for a residential neighborhood? Can the city justify the negative impact of the placement of this complex in such a location?

So we are told these same units exist in Arch Cape - WE ARE NOT ARCH CAPE - we have different guidelines & zoning ordinances!

When findings go to Luba we r asking that rebuttals be written by land use attorneys- if project denied again we request ORCA WRITE THE FINDINGS!

We so appreciate the denial last year but the substantial issues remain - substantial issues haven't changed - this project should be denied again! The burden of proof have not been met!

We thank you for taking time to read our concerns!

Respectfully

Dan and Bonnie Savickas

Sent from my iPhone

May 25, 2023

City of Manzanita Planning Commission
167 South 5th Street
Manzanita, OR 97130

Dear Planning Commission members:

We are writing regarding the planned unit development Manzanita Lofts. We urge the Commission to once again deny this application.

As residents of Classic Street Cottages, we have daily exposure throughout all seasons, with the area of the proposed development, as neighbors, drivers and walkers. It is because of this background that we urge the Commission to vote against the development. Our reasons fall into two broad categories:

Infrastructure issues

- A. The current four way intersection of Classic and Dorcas Streets is heavily used, including as a bypass to avoid Laneda. It is awkward and unsafe. It is poorly planned to handle the ever increasing traffic from old and new housing developments to the south and the heavily used state park. To add another development that would need an entrance and exit onto Dorcas, adding a minimum of 34 more cars, will just make a bad situation worse.
- B. Neither Classic Street or Dorcas are built to handle existing traffic let alone more. Both streets are a minimum width with no striping to designate vehicle lanes, inadequate speed limit signs, no shoulders for safe walking, and no designated bike lanes. Both streets have limited ability to be widened due to steep drop offs bordering the golf course. Additionally part of Classic Street to the south of the intersection closest to the steep cliff on the east side of the proposed new development, is already slumping.
- C. The safety of pedestrians, of which there are many, have not been addressed or even considered when evaluating projects, particularly this one and the Highland, which has added a considerable number of daily drivers to Classic and Dorcas, making walking on those streets very unsafe.

Density/Community Issues

- A. The developer repeatedly referenced Coast Cabins (6 units) and the San Dune Inn (14 units) as inspiration or in support of his development. At a total of 34 units, The Manzanita Lofts has more units than both of those two businesses combined, in a much more problematic location.
- B. There are currently 33 residences on Dorcas Street and the Lofts would add 34 rental units, doubling the total and increasing traffic exponentially. A hotel in the proposed area is incompatible with an established residential area.
- C. There continues to be friction in Manzanita between tourism/commerce and community/livability. Manzanita is suffering from rapid development, infilling formerly open lots and sprawling into outlying areas once forested wildlife corridors. Increased pressure from tourism is upending the small town quality of life.

We strongly urge the Commission to deny the Manzanita Lofts.

Sincerely,
Patti Walker and Patrick Barrett
758 Dorcas Lane, Manzanita OR

From: Ziad Aldahhan <ziad.aldahhan@gmail.com>
Sent: Friday, May 26, 2023 8:58 AM
To: City Planning
Subject: Vito Project

To Whom It May Concern:

I live in Classic Street Cottages. I write to you with grave concerns about Vito Cerelli's planned "development" in our fine city. My hope is that by the end of this email, you will agree with one more resident's voice that there is only one good decision: Veto the project.

Attempting to read through the copious documentation was nauseating at best. On the surface, it may appear that the zoning is appropriate for his intended use, however bizarre it may seem to rational individuals that a HOTEL is permitted use in a Special RESIDENTIAL Recreational Zone.

But this project fails miserably on two key points:

Nothing about this development is in "substantial harmony" with the area around it. Nothing! Within the immediate vicinity are smaller single-family homes and, of course, the golf course. Most of these existing homes are occupied by full or part-time residents, with very few short-term rentals. What, pray tell, about a hotel with kitchenless cabins, transient, short-term renters, a communal space and no attendants to manage any of these visitors, is in harmony with the surroundings?!

The plan ultimately includes 53 parking spaces, which is an indicator of the potential traffic this development will bring. This basically doubles the number of vehicles in owner-occupied homes just across the street on Classic and Dorcas. These vehicles would be on the road much more frequently, adding to:

- the construction trucks heading to The Highlands
- the increasing cars of residents going to the Highlands
- cars and RVs heading to the State Park
- cyclists and pedestrians already vying for space on Classic Street.

Of course, those 53 cars would come with at least as many people who would also be additional cyclists and pedestrians on Classic Street. This street is already ill-equipped to handle its current mix of vehicles, cyclists and pedestrians. Let's not digress into the condition of Classic Street.

And don't get me started on the vague promises to meet the Density Standard. I don't buy it for one second. It simply does not compute.

Vito doesn't care a whit about our fair city and sees nothing wrong with dumping a project of 34 small short-term rental dwellings DISASTER in the middle of our neighborhood!

Manzanita is just not a hotel kind of city. We're happy to have our full and part time residents, our cap on short-term rentals, our day trippers, and the few grandfathered existing hotels. Maybe he can take over one of those and make his fantasy project happen.

His project does not fit here and we can't handle the traffic it will bring. The best and sensible solution is to Veto Vito.

Respectfully,

Ziad Aldahhan
378 Jackson Way

From: F&L Bagon <flbagon@outlook.com>
Sent: Friday, May 26, 2023 9:24 AM
To: City Planning
Subject: Manzanita lofts

As permanent residents of Manzanita we are opposed to the development of a hotel adjacent to Manzanita Links.

The developer of this proposed hotel has continued to *not* meet the burden of proof that he will comply with the density standards as outlined in MZO 3.030 (4). He has not been specific about where the 40% of the total lot parcel area will be reserved for open space, again as per MZO 3.030 (4).

Will he be cutting down trees at the western part of his land to create open space? Manzanita has a tree ordinance that prohibits clear cutting of lots prior to review and approval of site plan or tree replacement. These trees are a natural barrier against the 75% of golf balls that slice right at the 5th hole of the golf course. And if a golfer is aware of their own liability should a golf ball hit a hotel guest how many golfers will determine Manzanita Links is not worth the risk. Our golf course is a draw for tourists and residents alike and are we willing to risk that for a hotel that is poorly positioned and objected to by the vast majority of Manzanita residents?

Please say no again to this proposed development. Your reasoning in the past was sound and applauded by many of us in this community.

Thank You,
Leslie & Frank Bagon

May 26, 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 email from David J Petersen of Tonkon Torp dated May 22, 2023, a reference to the density standard of MZO 3.030(4)(a) is made. It is stated "even if hotel rooms are dwelling units, then the density standard can be met by a dedication of at least 40% of the site for open space or public or private park area or a golf course, as expressly allowed by MZO 3.030(4)(a). He further says " This dedication would increase the maximum density of the site to 49 dwelling units, well more than the 34 proposed hotel rooms in the project.

I disagree with the statement stating a maximum density of 49 dwellings are allowed.

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. Not the 49 dwellings calculated by using all of the 3.83 acres

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

Also, the dedicated area referenced in Updated Site Plan indicates a path leading to the south end of property. If a path can be placed there, why can't the road be extended to the south end and have an entrance/exit to Classic Street? The dedicated area could be placed on the north end of the property and eliminate the problems with having an entrance/exit onto Dorcas Lane.

A Sight Distance Diagram is also referenced in the email. It states: "It demonstrates that with minimal vegetation clearing, all sight distance requirements can be met at the project entrance."

The clearing required may not be on the proposed hotel property but actually on the golf course property which is on a conservation easement. All trees and vegetation are protected under this conservation easement the City holds, and is required by law to enforce. The vegetation and trees along Dorcas protects homes, vehicles, and people from rogue golf balls.

I appreciate your attention to the facts and arguments that I have laid out in this letter/email.

I urge you to deny the Manzanita Lofts proposal for the supporting evidence and reasons stated above.

Thank you,
Jim Miller

May 14, 2023

To: Manzanita Planning Commission

From: Mary Ruef

355 Jackson Way

Manzanita

Full Time Resident

RE: PUD, Vito Cerelli

I will address two of the three remanded decisions regarding the Lofts.

MZO 4.136(3)(c)(5)

Traffic: I was part of a group of people who have sat and counted the traffic going through the intersection of Dorcus and Classic streets. On Friday, May 12, 2023 from 4:00 P.M. to 5:00 P.M. there were 99 cars/trucks/cars with trailers that passed through this intersection. It is a busy intersection even though Dorcus is basically closed at this time. With another street/driveway for 34 dwellings entering this intersection just 100' west of the western stop sign, there will be even more traffic. The configuration of 5 stops in a short space is not safe.

MZO 4.136(3)(c)(3) "The area around the development can be planned to be in substantial harmony with the proposed plan."

"Substantial harmony." These words do not apply to what is proposed. The harmony of the neighborhood is quiet, peaceful, and welcoming to birds and other animals. Building a hotel here and cutting down the natural habitat for those creatures is not harmony for them or for the people who live around this property. The golf course is another issue with golf balls coming off of the 5th hole at high speed and frequently ending up on Classic Street or in the yard of those of us who live above classic.

I ask that you take these things into consideration when making a decision on this project.

From: Mica Russo <mica.f.russo@gmail.com>
Sent: Tuesday, May 30, 2023 12:44 AM
To: City Planning
Cc: Sean Danaher
Subject: Manzanita Lofts Planned Unit Development
Attachments: [Traffic-Intersection_Dorcas-Classic-ManzanitaLofts.pdf](#);
[Areas_Surrounding_ManzanitaLofts.pdf](#); [Classic-Street_Pedestrians.mov](#)

Dear Manzanita Planning Commission,

My name is Mica Russo and I am a recent resident of Manzanita. My partner Sean, our cat Margot, and I moved from a busy intersection in SE Portland to Manzanita last year. We are renting a home in the Classic Street Cottages. We are both in our early 30's. My job allows me to work remotely and we have been happily living full-time in Manzanita for the last year. We hoped to get away from the traffic and chaos of the city, to be closer to nature, and to be part of a community and get to know our neighbors — so far, we have been lucky to experience all of those things here.

When we were moving in last year, Sean and I heard about a 34-unit hotel proposal in the small plot of green space just across the street from our community and adjacent to the golf course. The concept seemed impossible to us. As I went on my daily runs on Classic Street to the Nehalem Bay State Park, I seriously considered the infrastructure necessary to achieve such a proposal. I'd run past the thick native plants and tall trees lining the golf course and imagine a parking lot; I'd look down the steep hillsides and see deer and elk take refuge in the gully below, trying to picture 34 units of housing and a community building in its place. While I tried my best to imagine it, I couldn't grasp how such a place would be built without deeply impacting the neighborhood and residents around it. It raised my concern regarding the density of such a proposal and the great reduction of open space.

Sometimes when I'd be running on the shoulder of Classic Street towards Dorcas, large vehicles (like a camper headed to the State Park) would come through the intersection and move into the opposite lane to give me space. Often, at the same time, another vehicle would be coming towards the intersection from the south and there would be a scramble between the two cars to get into their correct lanes while avoiding me. I've seen the same happen up and down Classic Street with people walking their dogs or with their friends and kids, biking, etc. To illustrate my point further, I've included a dashcam video taken by a neighbor, Erik Hansen, driving on Classic St. from the intersection that shows this very common reality. This road is already busy with vehicles, bicycles and pedestrians and without sidewalks for safe travel; the additional cars and people coming and going from a 34-unit hotel would drastically impact the traffic and safety in the area.

Around the same time, Sean and I were having conversations with our neighbors up and down Classic and Dorcas, hearing their concerns for safety and the lack of harmony with the surrounding areas should a hotel be built in the proposed plot. In their years and our months of experience, it was clear to us all that a hotel of such size should not be approved by the City of Manzanita without substantial efforts by the applicant to address the most concerning issues: traffic, density, and substantial harmony with surrounding areas. Up to this point, the applicant has simply not met the burden of proof to receive approval from the City or acceptance by the community.

For the Planning Committee, Sean and I will address our three specific concerns below: Traffic, Density, and Substantial Harmony with Surrounding Areas.

Traffic

Manzanita Zoning Ordinance 4.136 states that *"The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area."* **Please refer to the attached document: Traffic-Intersection_Dorcas-Classic-ManzanitaLofts.pdf**

The visual map attached (Traffic-Intersection_Dorcas-Classic-ManzanitaLofts.pdf) intends to show the common flow of traffic with the additional 5th stop sign proposed by Manzanita Lofts, which would be their only entrance and exit. The primary concerns are the lack of visibility and pedestrian / cyclist safety in a busy intersection that already suffers from drivers rolling through or running the stop signs there now.

I've overlaid the Manzanita Lofts site plan with the Google Maps aerial view of the intersection to create a simulation of the consequential 5-way stop. This map is informed by the traffic flow permitted by the current 4-way stop and the traffic flow observed in my year of living across the street. As you can see on the map, the intersection at Dorcas and Classic is very busy with cars, pedestrians, and bicyclists. There are often cars parked on the sides of the streets as overflow parking. There are no sidewalks. Living here has shown me that traffic between vehicles and pedestrians is already an issue.

Greenlight Engineering's report states that the Manzanita Lofts project will bring up to 309 additional vehicles at that intersection on a busy Saturday. This project would double the number of dwellings on Dorcas Ln. and add a fifth stop sign at an already busy intersection. With even just a small line of traffic stopped on Dorcas, visibility would be extremely limited when turning right from the north-end of Classic onto Dorcas; or turning left out of the Manzanita Lofts exit; or turning left from south-end of Classic onto Dorcas — all of which would increase directly due to the addition of the hotel and its entrance / exit. The intent of sharing the attached traffic visualization is to show how the traffic flow proposed by Manzanita Lofts would reduce drivers' visibility and pedestrian safety. On the grounds that the current proposal does not adequately support the anticipated traffic and the development will overload the streets, the proposal should be denied.

Density

The remand notice states, *"The applicant has agreed in the written remand request that the development will comply with the density standards outlined in MZO 3.030(4)(a)."*

To comply with the remand, 40% of the proposal must be reserved as permanent open space or park area. This is the consequence of building a 34-unit hotel in the green gully I see on my runs. But nowhere in the amended application does the applicant show how he will comply with the density standards outlined in the Manzanita Zoning Ordinance.

We do know that the definition of a "park" is "a large area of land, usually left in a natural state, for the enjoyment of the public or for the protection of wildlife or natural habitats." Under this definition, the 40% of open space or park *cannot* be the blackberry slopes on the north end of the land. The open space *cannot* be segmented or divided, nor can it be small pieces added together — the 40% of open space must be contiguous. The open space *cannot* be a parking lot, as it would not constitute a "public or private park area or golf course." There is no amended application that shows "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.” Without such delineation, we cannot know how the applicant plans to allot 40% of permanent open space.

And most importantly, the open space must be **deed restricted** — a recorded, legally binding restriction that the landowner must abide by. We have seen no such deed restriction, let alone clear representation of how 40% of open space will be set aside on the site plan to comply with MZO 3.030(4)(a). 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. If he does not do so, the Planning Commission must find that he is not meeting the density requirements. By not providing detailed and clear information, the applicant limits the amount of information the Planning Commission and public need for a thorough review of the project. Without a binding deed restriction, the applicant could raise the entire lot and the trees before having a clear plan for this required open space — which would be a terrible waste of the natural area and a failure on the part of the City to hold the applicant accountable.

Substantial Harmony with the Surrounding Area

Manzanita Zoning Ordinance 4.136 3.c.(3) states “*The area around the development can be planned to be in substantial harmony with the proposed plan.*” **Please refer to the attached PDF:**

Areas_Surrounding_ManzanitaLofts.pdf

I created a visual representation of the Manzanita Lofts and surrounding areas by using the Manzanita Zoning Map. The intent of this zoning map is to show how *all* of the properties adjacent to the proposed Manzanita Lofts are **residential** neighborhoods or **open space** related to the golf course. There are roads immediately adjacent to the proposed project and then residential neighborhoods to the east and north. Many of these residential areas are managed by HOAs and neighbors, and most have community rules that prohibit short-term rentals. As such, a 34-unit hotel with limited staff cannot be in substantial harmony with residential neighborhoods. At that scale, the hotel will *double* the number of dwellings on Dorcas Ln. Considering the surrounding areas are entirely residential neighborhoods, this project is not in substantial harmony with the area around it. It does not meet this standard and must be denied.

The hotel proposal fails to meet the standard in another way as well, but with their neighbors directly to the west: the Manzanita Links Public Golf Course. In addition to demarcating the bounds of the golf course, I have indicated on the map the location of the 5th tee and the 5th hole of the golf course. As stated by Oregon Golf ([link](#)), “Hole #5 is a particularly interesting hole. The tee area is 80' above the fairway and provides a wonderful view of the hole. Only 280 yard from the back tees will provide the golfer with a great opportunity for an eagle.” An “eagle” would require the golfer to sink the golf ball in 2 strokes — a challenge often sought after, but also remarkably difficult to maneuver. The golf course owners have indicated the vast majority of the golf balls that are hit from the 5th tee above the proposed project slice to the right, creating a significant hazard to people on the hotel grounds. If the City approves this project while knowing the location is inherently dangerous, the City takes on the liability if anyone is hurt. Given the hazards of putting a hotel next to the 5th hole and the City’s liability of knowingly doing so, this does not meet the standard of “substantial harmony”.

Sean and I are young renters who, if we still lived in Portland, would likely be a primary audience for the Manzanita Lofts. It has all the architectural aesthetics that appeal to our demographic. However, if we were to visit the hotel and see firsthand the issues that the community foresees today, we would be alarmed by the insufficient safety measures for pedestrians, the absence of open space, and the clear lack of harmony with the neighborhood. It's not something we would sign up for.

And as residents and concerned neighbors, we are deeply concerned by these issues. It's clear that the applicant has not met the burden of proof for this project to be approved. The proposal must be denied.

We appreciate the proposal's denial last year by the Planning Commission and the City of Manzanita. Despite the applicant's appeal, the substantial issues still remain and the burden of proof has not been met. We respectfully ask the Planning Commission to deny the proposal again. If the Planning Commission chooses to deny the project, we ask that they please allow for ORCA's land-use attorney — who defended the case before LUBA — to assist with writing the findings, so they are well written and legally defensible. We also ask that the record be left open for an additional seven days.

Thank you for your time and your service to the community of Manzanita.

Mica Russo & Sean Danaher
770 Dorcas Ln.
Manzanita, Oregon

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts



Base Layers:
Google Map Street View
Manzanita Lofts Site Plan

LEGEND



INDICATES CAMPER / TRAILER



INDICATES CARGO VAN



INDICATES PASSENGER VEHICLE



INDICATES CYCLIST



INDICATES PEDESTRIAN



INDICATES LIMIT LINE



INDICATES STOP SIGN



Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts

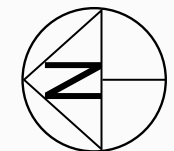


Imagery ©2023 CNES / Airbus, Maxar Technologies, State of Oregon, Map data ©2023 Google

Base Layer 1:
Google Map Street View

0' 25' 50' 100' 200'

Traffic Intersection Visualization: Dorcas Ln., Classic St., Proposed Manzanita Lofts

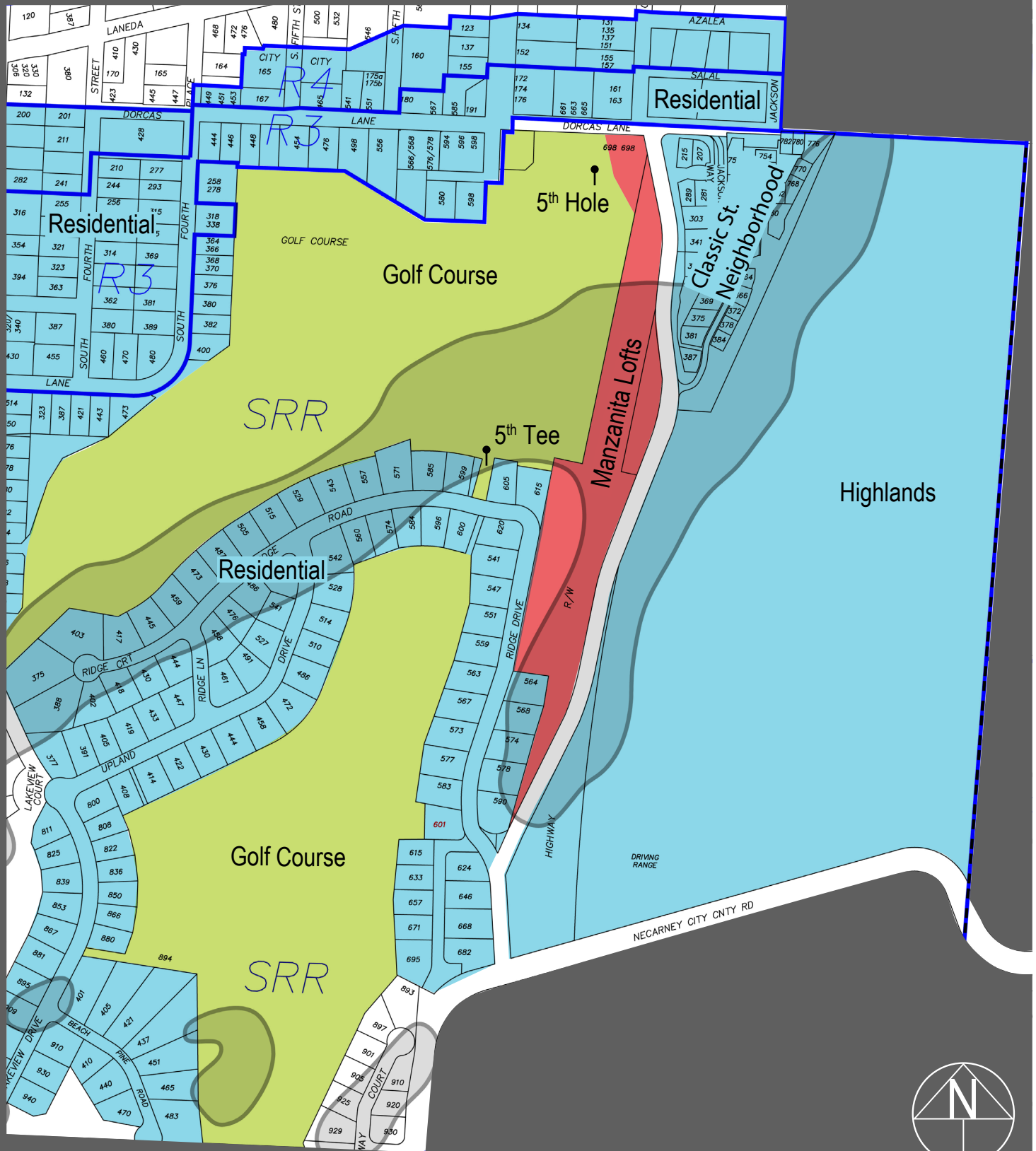


Proposed Unit Development by Vito Cerelli

Base Layer 2:
Manzanita Lofts Site Plan

0' 25' 50' 100' 200'

Areas Surrounding the Proposed Manzanita Lofts



CITY OF MANZANITA ZONING & ADDRESS MAP

LAST UPDATE: APRIL 2018

LEGEND

- INDICATES CITY LIMITS
- INDICATES ZONING BOUNDARIES
- 35265 INDICATES DEVELOPED LOTS
- INDICATES APPROXIMATE LOCATION OF DUNE OVERLAY ZONES
- INDICATES GOLF COURSE (SRR)
- INDICATES RESIDENTIAL AREA (R3, R4, SRR)
- INDICATES PROPOSED MANZANITA LOFTS (SRR)

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

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

May 30, 2023

Via Email

Manzanita Planning Commission
PO Box 129
167 S. 5th Street
Manzanita, OR 97130
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 testimony for the above-entitled matter on remand.

The applicant alleges that it will accept that the definition of “dwelling unit” unit applies to the application. Regardless, the City should adopt an interpretation that “dwelling unit” applies to the application. Specifically, and as noted by LUBA, the Commission can issue an interpretation that the project proposes units that are dwelling units as defined in MZO 1.030. The City’s interpretation – if ultimately adopted by the City Council – would be protected by *Siporen* deference. Because a hotel room is consistent with the definition of a dwelling unit, the City can make this interpretation and the City Council can – if necessary – improve upon it.

As noted, Petitioner alleges it will accept the applicability of the density requirement. Petitioner alleges: “The 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.” The provision, however, requires that “[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). In other words, the applicant must also propose a comprehensive plan amendment to change the designation to open space, as well as a zoning map amendment. Therefore, at a minimum, the following criteria also apply, now that the applicant has chosen this course:

“PLAN ADOPTION AND AMENDMENT

The Comprehensive Plan is to be adopted by an ordinance of the City Council, based upon the recommendation of the Planning Commission.

Changes to the plan shall be made only after study and adequate public discussion. Private individuals or groups requesting a plan change are required to show that circumstances related to the general welfare of the city require such a change, and that the public interest will be better served by the proposed revision.

Findings of fact shall be presented for a change request, which, as a minimum:

1. explain what plan goals, objectives or policies are being furthered by the change.
2. present the facts used in making the decision to change.
3. explain how the change will serve the public need.

Adequate findings of fact shall be made a part of the record in plan change hearings, and shall be made available for public review.

Procedural requirements for public hearings shall be established in the City's Zoning Ordinance. Zone changes must be consistent with the Comprehensive Plan."

Comprehensive Plan, page 3-4. The applicant has not yet proposed satisfying the above-criteria, and, therefore, the City has several options. The City can deny the application, or the City can defer satisfaction of that criterion until a later time, where the same procedural rights are provided that have been provided in this process, including the right to submit testimony at a hearing, opportunity to received notice of decision, and the opportunity to appeal. This requirement is explained in *Rhyne v. Multnomah County*, __ Or LUBA __ (LUBA No. 92-058, July 10, 1992).

The applicant must also satisfy the requirement in MZO 4.136(3)(c)(3), which provides that the "area around the development can be planned to be in substantial harmony with the proposed plan." The City previously found that:

"While there are single family homes in the vicinity, the dominant land use in the area is recreational with the existing golf course to the west. As noted above, the Commission finds the hotel to be incompatible with area uses."

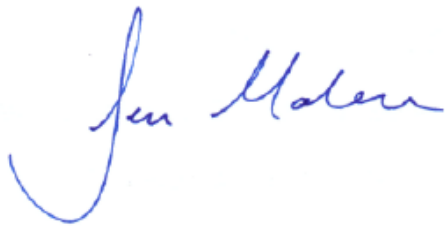
LUBA remanded compliance with MZO 4.136(3)(c)(3) because the City allegedly relied upon a comprehensive plan objective in making its findings. However, the applicant did not argue that MZO 4.136(3)(c)(3) did not apply. Therefore, compliance is required. The staff report acknowledges that the proposed project is not in substantial harmony with existing development, including that it is incompatible with the existing golf course's recreational uses. Testimony from Kim and Ben Rosenberg noted that the 34-unit hotel is incompatible with future planning

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ORCA's traffic consultant is in the process of preparing a response to the applicant, and, therefore, ORCA requests that the record be left open for 14 days to respond.

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Sincerely,

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Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client

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

May 30, 2023

Via Email

Manzanita Planning Commission
PO Box 129
167 S. 5th Street
Manzanita, OR 97130
planning@ci.manzanita.or.us

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

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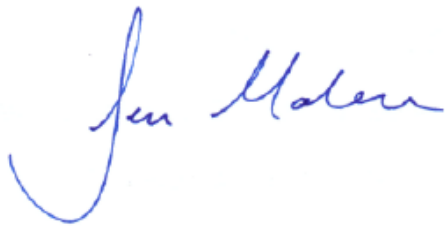
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Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client

May 25, 2023

City of Manzanita Planning Commission
167 South 5th Street
Manzanita, OR 97130

Dear Planning Commission members:

We are writing regarding the planned unit development Manzanita Lofts. We urge the Commission to once again deny this application.

As residents of Classic Street Cottages, we have daily exposure throughout all seasons, with the area of the proposed development, as neighbors, drivers and walkers. It is because of this background that we urge the Commission to vote against the development. Our reasons fall into two broad categories:

Infrastructure issues

- A. The current four way intersection of Classic and Dorcas Streets is heavily used, including as a bypass to avoid Laneda. It is awkward and unsafe. It is poorly planned to handle the ever increasing traffic from old and new housing developments to the south and the heavily used state park. To add another development that would need an entrance and exit onto Dorcas, adding a minimum of 34 more cars, will just make a bad situation worse.
- B. Neither Classic Street or Dorcas are built to handle existing traffic let alone more. Both streets are a minimum width with no striping to designate vehicle lanes, inadequate speed limit signs, no shoulders for safe walking, and no designated bike lanes. Both streets have limited ability to be widened due to steep drop offs bordering the golf course. Additionally part of Classic Street to the south of the intersection closest to the steep cliff on the east side of the proposed new development, is already slumping.
- C. The safety of pedestrians, of which there are many, have not been addressed or even considered when evaluating projects, particularly this one and the Highland, which has added a considerable number of daily drivers to Classic and Dorcas, making walking on those streets very unsafe.

Density/Community Issues

- A. The developer repeatedly referenced Coast Cabins (6 units) and the San Dune Inn (14 units) as inspiration or in support of his development. At a total of 34 units, The Manzanita Lofts has more units than both of those two businesses combined, in a much more problematic location.
- B. There are currently 33 residences on Dorcas Street and the Lofts would add 34 rental units, doubling the total and increasing traffic exponentially. A hotel in the proposed area is incompatible with an established residential area.
- C. There continues to be friction in Manzanita between tourism/commerce and community/livability. Manzanita is suffering from rapid development, infilling formerly open lots and sprawling into outlying areas once forested wildlife corridors. Increased pressure from tourism is upending the small town quality of life.

We strongly urge the Commission to deny the Manzanita Lofts.

Sincerely,
Patti Walker and Patrick Barrett
758 Dorcas Lane, Manzanita OR