

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
JUNE 16, 2023**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 10:02 a.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Frank Squillo, Phil Mannan, John Collier, Thomas Christ, and Lee Hiltenbrand. Staff present were: Building Official Scott Gebhart, City Manager Leila Aman, City Attorney Souvanny Miller, and Permit Technician Chris Bird.

III. AUDIENCE: There were 20 persons in the audience.

QUASI-JUDICIAL ITEMS

ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Reddick-Yurka introduced the application being considered, described the public hearing process, and opened the hearing at 10:05 a.m.

IV. PUBLIC HEARING: LUBA REMAND: PLANNED UNIT DEVELOPMENT; ZONE: SPECIAL RESIDENTIAL /RECREATION (SR-R); LOCATION: 698 DORCAS LANE; APPLICANT: VITO CERELLI – CONTINUATION

A. OBJECTION TO THE NOTICE SENT ANNOUNCING THE HEARING – None

B. CHALLENGE TO PLANNING COMMISSION JURISDICTION – None

C. CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS – Each of the Commissioners declared that they had no conflict of interest, no bias, or ex parte contact and they visited the site or were familiar with it. John Collier, citing a potential for possible bias from the community, recused himself from the discussion and the vote.

D. CHALLENGE TO ANY COMMISSIONER FOR CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACT – None

E. CITY ATTORNEY MEETING OUTLINE – City Attorney Souvanny Miller gave some background on the continued meeting regarding the remaining issues that had an open record period.

F. APPLICANTS' PRESENTATION – The applicants started their presentation by making an objection to some of the testimony that has been submitted to the record. The applicants then presented some revised background information and the reasons for the Commission's approval of their application.

- G. STAFF REPORT** – City Manager Leila Aman presented the staff report. She then presented the staff's findings of facts, conclusions, and recommended conditions of approval.
- H. GENERAL COMMENTS AND QUESTIONS** – It was asked of the applicant about the discrepancy between the zoning ordinance and the comprehensive plan on density of dwellings per acre. The applicant stated that their project is not a planned unit development, and that LUBA said the comprehensive plan was not permissible. Staff were then asked how the calculation was determined for how many dwellings could be clustered in a given acreage. It was then asked of staff about short-term rentals wait times and if anyone could declare their property as a hotel. The applicant was then asked about management of the private park and if the property owner would take primary responsibility for running it. The city attorney was then asked about limits in density in relation to the comprehensive plan. The question then came up about if the applicant even has the required 40% open space as park and by what method could it be verified. It was then asked of the commission if they are dwelling units and if they are do the 34 units meet the zoning ordinance for 13 units per acre. Another question set before the commission is if they are not dwelling units, is the project allowable under the zoning ordinance.
- I. TESTIMONY PRO-** None
- J. TESTIMONY CON** – An audience member remarked how dismayed she was that no oral commentary was allowed, and the citizens were not given a voice in the process. Another member agreed with the previous speaker. The next speaker wanted to know about how the applicant measured his square footage for the open space to be a park. The following speaker reiterated her frustration at not knowing that oral commentary would be allowed and wanting clarification for dwelling units. The next commenter had reservations on the revised site plan the applicant submitted for the proposed pathway. There were concerns about confusion regarding written testimony versus oral testimony being allowed at the meeting.
- K. CORRESPONDENCE** – Reddick Yurka noted the related correspondences that were received for the record.
- L. REBUTTAL** - The applicant stated the fact the notice may have confused the audience is immaterial as they were allowed to participate. Also concerns about declaring a home a hotel were dispelled. A condition of approval for 40% open space would be guaranteed by the site development process. The applicant then spoke to the comments regarding design review which has no basis since this project is an outright use. Finally, the applicant mentioned that the hotel would be well managed and good for the community.
- M. CLOSE PUBLIC HEARING** – Reddick-Yurka closed the public testimony at 11:21am.
- N. DISCUSSION BY COMMISSION MEMBERS** – Conversation started with the thanking of all the participants in this important hearing. The definition of parks and hotels was next to be discussed along with local and on-site management. The conversation turned to if they are dwelling units and if so, does the application satisfies the density requirement of the zoning

code. There was disagreement on what the zoning ordinance would be allowed to designate a park. Concerns were shown of parts of the land being called a park when conditions might be not favorable to such. Conversation then turned to if a definition of a park could be found since it was not in the zoning ordinance. The question was asked if the application was denied based on 40% as a park and LUBA denies that as there is no definition of a park, would the density requirement be met. Conversation turned to whether the units were or were not dwelling units based on attributes or transient lodging. It was asked of staff what area was used to calculate the open space of the site map to get to 44% open space. The consensus of the commissioners was that the open area should not be considered a park as there was not enough information submitted. The proposed walking path was discussed on whether it would alleviate any traffic concerns and provide safe access for pedestrians on Classic. The conversation then turned on if the applicant met the requirement for approval or if conditions of approval could be used to attain the 40% open space requirements as park. Peak traffic was also discussed on how it would affect the streets at check in and check out times.

O. DECISION BY COMMISSION WITH MOTION -

A motion was made by Reddick-Yurka, to vote on a determination if the applicant met the criterion for traffic with the proposed trail through the site providing safe access. Motion did not pass with two yes votes and three no votes. The basis for the decision was that traffic would overload the street and adjoining roadways and that the problem wouldn't be alleviated by the pathway shown on the site map.

P. DISCUSSION BY COMMISSION MEMBERS – The commissioners went back to the staff report to outline the issues before them regarding the application.

Q. DECISION BY COMMISSION WITH MOTION – Christ moved, seconded by Squillo that the application be denied. The vote was unanimous to deny the application based on the criteria stated.

VII. ADJOURNMENT:

Chair Reddick-Yurka adjourned the meeting at 1:03 p.m.

**MINUTES APPROVED THIS 17TH
DAY OF JULY 2023**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager/Recorder

Planning Commission
June 16, 2023