

The 40% set aside

Manzanita Zoning Ordinance 3.030 4 (a)

3.030 4 (a) Standards in the SRR Zone

- ▶ Overall density in the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of the site within the SR-R zone and achieve a maximum density of 13 dwelling units 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.

MZO 4.060 (1) - Multi Family or Apartment Siting Criteria

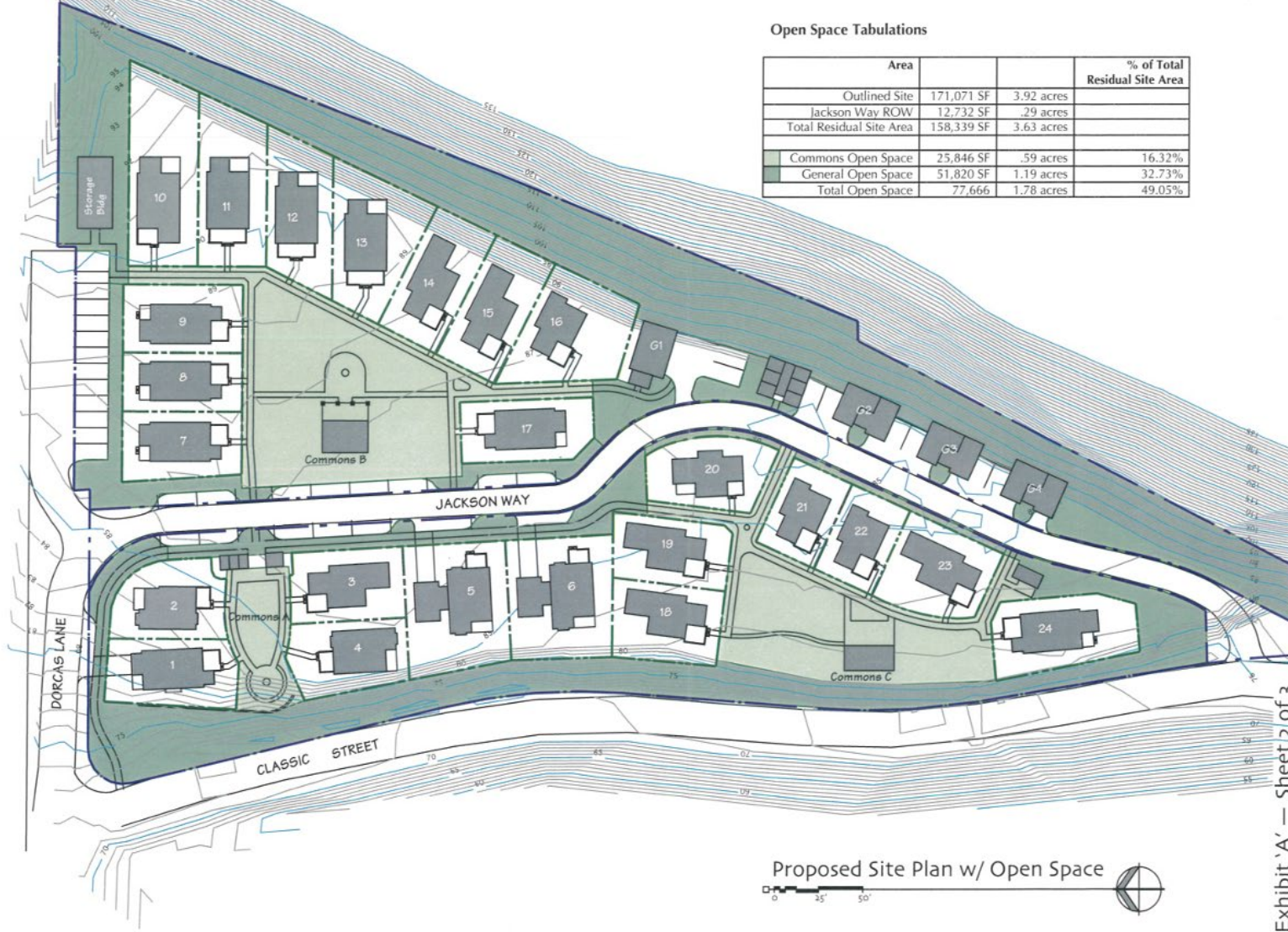
- ▶ At least 50% of the required open space area is usable by the residents. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or where the Planning Commission permits, indoor areas such as recreation rooms, meeting areas, or indoor swimming pool.”
- ▶ This means that the other 50% can be something else such as passive open space.

How an application is evaluated for completeness and findings are completed

- ▶ Rely on the zoning ordinance.
- ▶ Rely on the plain meaning of the language if there is no definition.
- ▶ Rely on precedence or previous decisions.

The 40% standard - precedent

- ▶ Prior precedent Ordinance 12-01 Classic Street Cottages
- ▶ Staff, Planning Commission and City Council interpreted the requirement to as open space at that time.
- ▶ Plan included site plan with gross area calculations for open space on the site.



Open Space Tabulations

Area			% of Total Residual Site Area
Outlined Site	171,071 SF	3.92 acres	
Jackson Way ROW	12,732 SF	.29 acres	
Total Residual Site Area	158,339 SF	3.63 acres	
Commons Open Space	25,846 SF	.59 acres	16.32%
General Open Space	51,820 SF	1.19 acres	32.73%
Total Open Space	77,666	1.78 acres	49.05%

Exhibit 'A' — Sheet 2 of 3
11/30/11

V2.2
SITE PLAN

Classic Street Cottages
Manzanita, Oregon



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What is cluster development?

- ▶ Clustering of residential development is the grouping of residential properties on a development site to use the extra land as open space, recreation or agriculture.
- ▶ The purpose of cluster development is to:
 - ▶ promote integrated site design that is considerate to the natural features and topography
 - ▶ protect environmentally sensitive areas of the development site, as well as permanently preserve important natural features, prime agricultural land, and open space
 - ▶ minimize non-point source pollution through reducing the area of impervious surface on site
 - ▶ the primary purpose is to create more area for open space, recreation and more social interaction.

Parks and open space in manzanita

- ▶ Come in all shapes and sizes

Parks in Manzanita - 3rd and Pacific

7.5 acres
6 acres undeveloped
includes wetlands

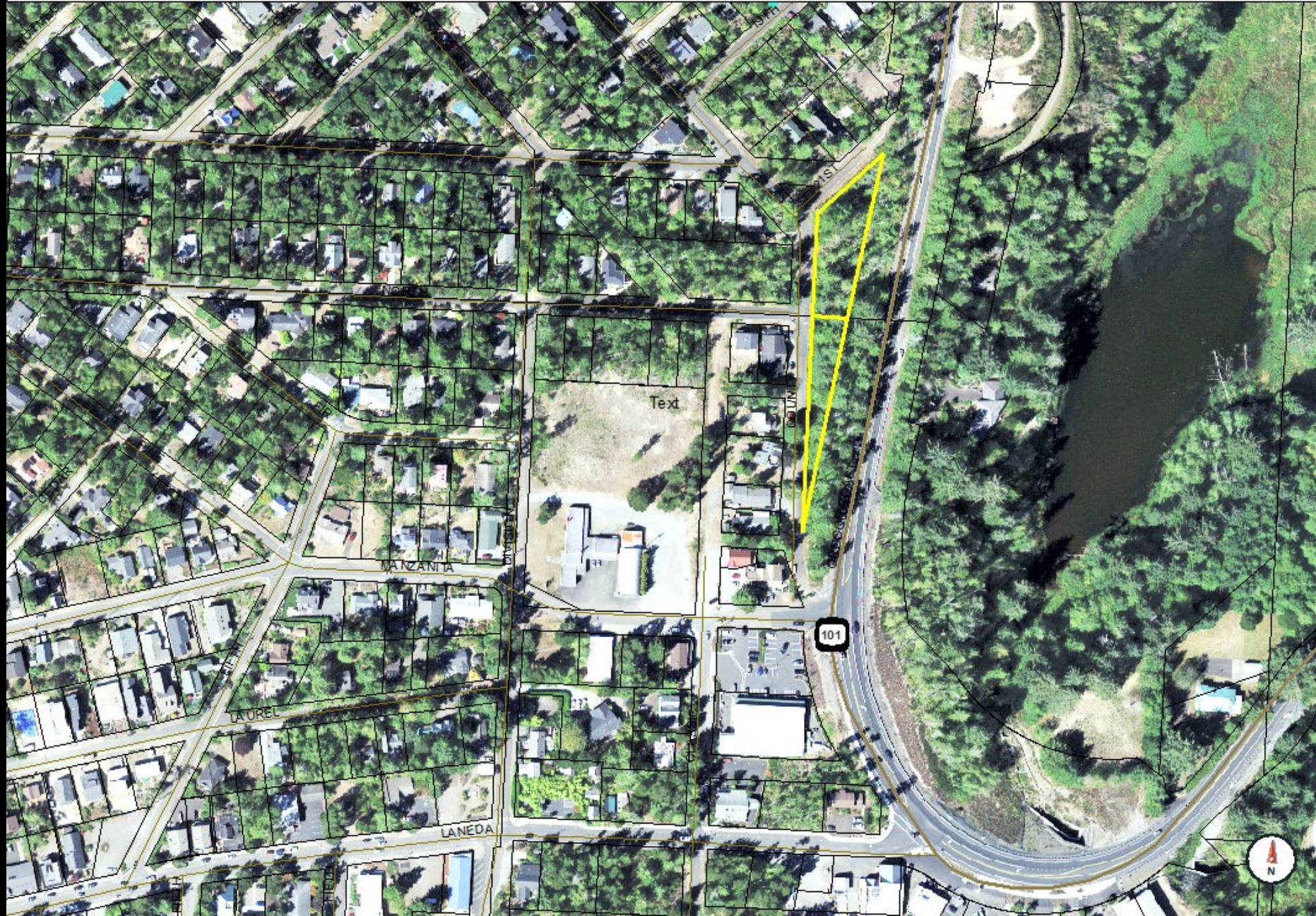


Parks in Manzanita - Public Works Park



7.5 acres
6 acres undeveloped
includes wetlands

Parks in Manzanita - Funky Triangle Park



Parks in Manzanita - Basketball Court



Parks in Manzanita - Pocket Park with Bench



The definition of a park

- Researched 25 Oregon coast jurisdictions.
- Only 3 had a definition for park.
- 8 jurisdictions had definitions for a park, but it was specific to city owned assets or “public parks”. Many of these were related to the capital improvement plan.
- 14 jurisdictions had no definition of a park.

City or County	Park Definition? (Y/N)	Website
Clatsop County	Yes, but only in terms of lands accepted as a County park (ORS 226.320 - Authority to acquire land for certain purposes)	Microsoft Word - CLC-title page.doc (clatsopcounty.gov)
City of Astoria	No	
City of Warrenton	No	16.12.010 Definitions. (qcode.us)
City of Seaside	No	
City of Cannon Beach	Yes, but only in terms of properties controlled by the city (ORS 226.320 - Authority to acquire land for certain purposes)	12.42.030 Definitions. (qcode.us)
Tillamook County	No	1 (tillamook.or.us)
City of Rockaway Beach	No, but had “public space”	§ 95.04 DEFINITIONS. (amlegal.com)
Lincoln County	No	Lincoln County Code (LCC) Chapter 1
Lincoln City	No	
City of Depoe Bay	Yes, but only in terms of public facilities or assets (defined under capital improvement)	§ 50.17 DEFINITIONS. (amlegal.com)
City of Newport	No, but included code provisions for parks	Newport Municipal Code (newportoregon.gov)
City of Waldport	Yes, but only in terms of public facilities or assets (defined under capital improvement)	City of Waldport : Municipal Code (municipalcodeonline.com)

City or County	Park Definition? (Y/N)	Website
City of Florence	Yes, but they define Parklands: “Provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seated areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. No. 2, Series 2011)”	Florence city code.pdf
Dunes City	No	
Douglas County	Yes, “An open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light and air for the general public or, in the case of a private development, for invited guests or controlled access use.”	Chapter-1-Introductory-and-General-Provisions-PDF (douglascountyor.gov)
City of Reedsport	Yes, "Park" means park, reservation, playground or any other area in the city, owned or used by the city, and devoted to active or passive recreation.	municipal_code_30_-_website.pdf (cityofreedsport.org)
Coos County	No, but they do define “Common Open Space” this could be useful because it pertains specifically to PUDs. “Land and facilities which are shared by all the individual owners in a planned unit development or recreational planned unit development and managed generally by a home owners' association. Common property may include undeveloped land, parks, tennis courts, pools, community buildings, and other amenities for the convenience and enjoyment of the residents.”	CHAPTER II (coos.or.us)
City of North Bend	No, no definition but it has code section specific to parks	Ch. 12.28 Parks North Bend City Code (municipal.codes)

City or County	Park Definition? (Y/N)	Website
City of Coos Bay	Yes, but its specific to a “Public Park” - An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.	Chapter 17.150 DEFINITIONS (codepublishing.com)
City of Bandon	No	
Curry County	No, but they define “Neighborhood activity center” as a potential park	Curry County Zoning Ordinance Update - 2022.pdf (revize.com)
City of Port Orford	Yes, but only in terms of areas designated by the city as a park (ORS 226.320 - Authority to acquire land for certain purposes)	12.16.010 Definitions. (qcode.us)
City of Gold Beach	Yes, but it’s defined under the System Development Charge code under Capital Improvements. “Parks and recreation, including but not limited to mini-neighborhood parks, neighborhood parks, community parks, metropolitan parks, and other recreational facilities.”	cover page (goldbeachoregon.gov)
City of Brookings	No	Chapter 17.08 DEFINITIONS (codepublishing.com)

3.030 4 (a) Standards in the SRR Zone

- ▶ Overall density in the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of the site within the SR-R zone and achieve a maximum density of 12 dwelling units 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.~~
- ▶ Staff recommend the Planning Commission remove “park area” and “golf course” from the zoning ordinance to provide more clarity on how to apply the standard.

If we need a definition...

- ▶ Consider the utility of a definition - does it help? It must be clear and objective particularly as it relates to housing.
- ▶ Consider a definition for clearly and objectively defining open space and make it specific to a PUD and the 40% density standard or 50% standard for mixed use
- ▶ EXAMPLES
- ▶ Common Open Space - Coos County - Land and facilities which are shared by all the individual owners in a planned unit development or recreational planned unit development and managed generally by a home owners' association. Common property may include undeveloped land, parks, tennis courts, pools, community buildings, and other amenities for the convenience and enjoyment of the residents.

Example

- ▶ Douglas County - An open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light and air for the general public or, in the case of a private development, for invited guests or controlled access use.”

Summary and Discussion

- ▶ Eliminate “park area and golf course”
- ▶ If PC wants to establish a new definition focus on open space for meeting the density standard and make it clear and objective
- ▶ Provide staff guidance on what your expectations are for a site plan at the submittal stage
- ▶ Do we need a definition of a park?