



CITY OF MANZANITA

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ci.manzanita.or.us

COUNCIL REGULAR SESSION

Pine Grove Community Center
<https://ci.manzanita.or.us>

AGENDA

September 6, 2023
06:00 PM Pacific Time

Council will hold this meeting at the Pine Grove Community Center

Video Information: The public may watch live on the

[City's Website: ci.manzanita.or.us/broadcast](https://ci.manzanita.or.us/broadcast)

or by joining via Zoom:

<https://us02web.zoom.us/j/89689514012?pwd=bTFPQ3hXMTRtdFF2eDZyQXMrb0lwUT09>

Meeting ID: 896 8951 4012 Passcode: 712754

Call in number: +1 253 215 8782

If you would like to submit written testimony to the City Council on items included on the agenda, please send your comments to cityhall@ci.manzanita.or.us and indicate the agenda item and date of meeting.

Note: Agenda item times are estimates and are subject to change

1. CALL TO ORDER (6:00 p.m.)

2. AUDIENCE PARTICIPATION

Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to cityhall@ci.manzanita.or.us), or in person to city staff**

3. CONSENT AGENDA

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

A. Approval of Minutes

- a. July 26, 2023, Special Session
- b. July 28, 2023, Special Session
- c. August 09, 2023, Regular Session
- d. August 16, 2023, Work Session

B. Approval of Bills

4. INFORMATION

- A.** City Manager Report
Leila Aman, City Manager
- B.** Emergency Preparedness Month Proclamation
Brad Hart, Project Director Emergency Volunteer Corps of Nehalem Bay (EVCNB)
- C.** Vietnamese Recognition Proclamation
Linda Kozlowski, Council President
Thao Tu, President of Vietnamese Community of Oregon

5. NEW BUSINESS

- A.** Appointment of New City Council Member
Deb Simmons, Mayor
- B.** SDC Public Hearing of Storm Drain
Leila Aman, City Manager
- C.** Special Event Permit
Kendra Hall, Manzanita Farmers Market

6. OLD BUSINESS

- A.** View Grading Moratorium
Leila Aman, City Manager

7. COUNCIL UPDATES

8. ADJOURN (8:00p.m.)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at cityhall@ci.manzanita.or.us or phone at 503-368-5343. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's youtube channel](#).

CITY OF MANZANITA
July 26, 2023
CITY COUNCIL SPECIAL SESSION

1. CALL MEETING TO ORDER: The meeting was called to order on July 26, 2023, at 9:00am via Zoom by Council Mayor Deb Simmons.

ROLL: Members present: Deb Simmons, Linda Kozlowski, Jerry Spegman and Brad Mayerle. Staff present: City Manager Leila Aman, Accounting Manager Nina Crist, Public Works Director Dan Weitzel, Development Services Manager Scott Gebhart, and Assistant City Recorder Nancy Jones. Panelist: Souvanny Miller with Miller Nash, Sean Malone with Oregon Coast Alliance, Todd Mobley with Lancaster Mobley, David Petersen with Tonkon Torp and applicant Vito Cerelli.

2. Amendment Extending the Due Diligence and Closing Date of the Purchase and Sale Agreement for 543

Laneda: City Manager Leila Aman reported that the buyer of 543 Laneda requested an extension of the due diligence phase of the purchase and sale agreement. The bank requested that they complete a phase one environmental assessment which added more time on closing documents. The buyer has requested two more weeks.

A motion was made by Spegman to authorize the City Manager to amend the purchase and sale agreement of 543 Laneda, to extend the due diligence phase that will add two weeks to the closing. Seconded by Kozlowski; Motion passed unanimously.

3. Land Use Hearing – Appeal of 698 Dorcas Ave (Manzanita Lofts Hotel):

Council President Linda Kozlowski spoke about the land use remand hearing and shared the order of business. She said that the hearing is an On Record Review, restricted to the record made on the decision being appealed. No new information may be presented, and the decision will be based on evidentiary record and arguments made before council today. She stated that all questions must be directed to approval criteria.

Order of Business:

- Applicant Presentation - 20 minutes
- Oregon Coast Alliance (ORCA) Presentation– 20 minutes
- Staff Report
- Councilors questions
- Public Comments – Both in-favor and opposed - 5 minutes each
- Applicant rebuttal - 10 minutes

Souvanny Miller with Miller Nash explained the quorum decision process and spoke about possible decision outcomes. She stated that the city has until August 4th to decide the matter before them. Currently the city has four council members and two have recused themselves from today's hearing. Miller stated the city must have a quorum of three in order to make a final decision. She explained the “Rules of Necessity” law and summarized the City Charter which requires that a majority of councilors need to agree on a decision, or it would be a non-decision. Simmons and Mayerle are allowed to vote on the decision but they are not able to participate in the discussion.

Declaration of conflict or bias, contact or visits:

- President Linda Kozlowski stated that she has visited 698 Dorcas Ave twice and is familiar with the area.
- Councilor Jerry Spegman stated he has visited 698 Dorcas Ave, is familiar with the area, has not had contact with the applicant or spoken to the community about the land use application.
- Councilor Brad Mayerle stated while he was a candidate for council, he gave public testimony to council regarding this application, signed a petition about the project, and attended meetings of the Concerned Citizens of Manzanita up until the time of the election. He stated that he has not had contact with the applicant and hasn't visited the site except driving by.
- Mayor Deb Simmons stated she gave public testimony about the effects of this project on the wetlands and public safety issues, signed a petition about the project, attended two concerned citizens of Manzanita meetings since in office. She stated that she has not had contact with the applicant or visited the site, however she drives by the site every day.

Issues before the Council:

MZO 3.030(4)(a) Determine if the 34 units are Dwelling Units and if the applicant can meet the density standard of 40% to provide for a park.

MZO 4.136(3)(c)(5) Determine if the streets are adequate to support the anticipated traffic and development and will not overload the street outside the planned area.

Applicant Presentation / 20 min:

Applicant Vito Cerelli and Attorney David Peterson provided an overview of the appeal of the decision of the Planning Commission to deny the planned unit development application on 698 Dorcas Lane.

Oregon Coast Alliance / 20 min:

Sean Malone with Oregon Coast Alliance provided testimony to deny the application.

Staff Report:

City Manager Leila Aman reviewed the staff report.

Council Questions:

Council President Linda Kozlowski and Councilor Jerry Spegman asked questions of Attorney David Peterson, Applicant Vito Cerelli, Oregon Coast Alliance Sean Malone, City Manager Leila Aman, Development Services Manager Scott Gebhart and Attorney Souvanny Miller.

Public Comments:

There were no comments in support of the application.

There were five comments in opposition to the application.

Applicant Rebuttal / 10 minutes

David Peterson shared information about some of the questions that were raised during the hearing and stated that everything that was presented today was an on-record review. Frank Erin, Traffic Engineer with McKenzie spoke about the traffic issues questions that were raised.

President Linda Kozlowski closed the Public Hearing at 11:25am and stated that only City Council is allowed to speak unless a question is directed toward someone. Kozlowski and Spegman asked questions of City Manager Leila Aman, Attorney Souvanny Miller, and Todd Mobley with Lancaster Mobley the city's Contract Traffic Engineer.

4. Adjourn: Council President Linda Kozlowski adjourned the meeting at 11:50am.

July 28th at 10am – Conduct final deliberations and Decision

**MINUTES APPROVED THIS
6th Day of September, 2023**

Deb Simmons, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
July 28, 2023
CITY COUNCIL SPECIAL SESSION

1. CALL MEETING TO ORDER: The meeting was called to order on July 26, 2023, at 10:00am via Zoom by Council Mayor Deb Simmons.

ROLL: Members present: Deb Simmons, Linda Kozlowski, Jerry Spegman and Brad Mayerle. Staff present: City Manager Leila Aman, Accounting Manager Nina Crist, and Development Services Manager Scott Gebhart. Panelist: Souvanny Miller with Miller Nash, Sean Malone with Oregon Coast Alliance, Todd Mobley with Lancaster Mobley, David Petersen with Tonkon Torp and applicant Vito Cerelli.

2. Land Use Hearing – Appeal of 698 Dorcas Ave (Manzanita Lofts Hotel) Continuation of Hearing:

Council President Linda Kozlowski opened the hearing and summarized the previous proceedings of the planned 34-unit hotel at 698 Dorcas Lane. She stated that today’s hearing is a continuation from the July 26, 2023 discussion and deliberation of the appeal of the Planning Commission decision to deny a planned unit development application. This hearing is restricted to the existing record made of the decision being appealed. The public information portion of this hearing is closed, and no new information or evidence may be presented except for specific questions of staff by Council. Two Council members previously recused themselves from these proceedings. Both Mayor Simmons and Councilor Mayerle have stated for the record the source of their bias and any ex-parte contact. They are not able to participate in the discussion but have the ability to vote out of “The Rules of Necessity”.

Council President Linda Kozlowski read the check list of decisions in regard to MZO 3.030(4)(a) and MZO 4.136(3)(c)(5); MZO 3.030(4)(a) Determine if the 34 units are Dwelling Units and if the applicant can meet the density standard of 40% to provide for a park; MZO 4.136(3)(c)(5) Determine if the streets are adequate to support the anticipated traffic and development and will not overload the street outside the planned area.

Souvanny Miller with Miller Nash explained the quorum decision process and spoke about possible decision outcomes. She stated that the city has until August 4th to render a written final decision. Miller stated that according to the city’s charter the city council must have a quorum of three to make a final decision. She explained the “Rules of Necessity” law.

Council deliberated on whether the application meets the city’s definition of a dwelling unit; Spegman, Mayerle, and Simmons concurred that the application does meet the definition of dwelling units. Kozlowski voted No.

Council deliberation on whether the application has the potential to meet the density standard to dedicate 40% of the area to open space as a park area or golf course. Kozlowski and Spegman asked questions of Attorney Souvanny Miller, City Manager Leila Aman, Development Services Manager Scott Gebhart, and Applicant Vito Cerelli. There was a discussion as to whether the applicants site plan had potential to meet the 40% standard. Attorney Souvanny Miller shared possibly outcomes of a decision and explained the process for approval with a condition. She said that council needs to decide based on the evidence in the record if the application has the potential to meet the 40% density standard with or without a condition of approval and

that if the record supported that potential outcome, then the Council may discuss with the applicant whether the proposed use would meet the proposed conditions of approval.

Applicant Vito Cerelli proposed to reduce the number of units on the site from 34 to 25 to meet the maximum density of 6.5 per acre negating the need to determine if the site plan achieved the 40% set aside for open space as a park area or golf course. The site plan will remain the same with reduced units. Council requested 24 units as a condition of approval and the Applicant agreed.

A vote was taken to decide if the application can meet the 6.5 units per acre, reducing the total number of units to 24; Spegman, Kozlowski and Mayerle Voted - Yes

Council deliberated on the final issue as to whether the streets can support the anticipated traffic. It was determined that based on the evidence in the record the streets can support the anticipated traffic. Spegman, Kozlowski, and Mayerly Voted - Yes

Council President Linda Kozlowski read each section of the Recommendation and Conditions of Approval document and corrections were made. Section A will be updated to 6.5 units per acre. Section F will be eliminated, as it no longer applies. Section K will be updated with less parking places, and staff will work on correct wording. Council President Linda Kozlowski asked if council was in favor of accepting the findings as presented. Motion passed unanimously.

3. Adjourn: Council President Linda Kozlowski closed the hearing and adjourned the meeting at 12:58pm.

**MINUTES APPROVED THIS
6th Day of September, 2023**

Deb Simmons, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
August 9, 2023
CITY COUNCIL REGULAR SESSION

1. CALL TO ORDER: The meeting was called to order on August 9, 2023, at 6:00pm at the Pine Grove Community Center by Mayor Deb Simmons.

Roll: Council members present: Mayor Deb Simmons, Linda Kozlowski, Jerry Spegman, and Brad Mayerle. Staff present: City Manager Leila Aman, Police Sergeant Mike Sims, Code Enforcement Officer Max Halverson, and Assistant City Recorder Nancy Jones. Staff Present via Zoom: Accounting Manager Nina Crist, Public Works Director Dan Weitzel, and Short-Term Program Rental Manager Judy Wilson. Panelist's present: Michael Mudd Restaurant Owner. Panelist present via Zoom: Eisha Castro Restaurant Owner.

2. AUDIENCE PARTICIPATION: There were 21 people in attendance, 20 attended via zoom, 22 attended via website. There was one public comment.

3. CONSENT AGENDA:

- A. APPROVAL OF MINUTES –
 - a. July 05, 2023, City Council Regular Session
 - b. July 12, 2023, City Council Special Session
 - c. July 12, 2023, City Council Work Session

B. APPROVAL OF BILLS FOR PAYMENT

A motion was made by Kozlowski, seconded by Spegman, to approve the consent agenda that included approval of the July 05, 2023, Regular Session Minutes; July 12, 2023, Special Session Minutes; July 12, 2023, Special Work Session Minutes; Approved payment of bills and all subsequent bills subject to approval by the Mayor or Council President and City Manager; Motion passed unanimously.

4. CITY MANAGER REPORT: City Manager Leila Aman

City Manager Leila Aman shared the following information:

- The effective date of the updated water rates has been postponed until October 1st. The billing cycle will also change from quarterly to monthly.
- With the hiring of the new Code Enforcement Officer, and the part-time public works employee, the city is fully staffed.
- The Wayfinding meeting will be held at Pine Grove Community Center on August 14th from 3:00pm till 6:00pm.
- EVCNB will hold a training at Underhill Plaza on August 19th.

City Council Regular Session

August 9, 2023

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- The Laneda railing matter has been settled and is set to be replaced soon.
- The Planning Commission will have a pre-meeting on August 21st regarding a proposal for an affordable housing development in the urban growth area. The developer will share concepts and design to get feedback on the project.
- Manzanita businesses, please provide your information on visitmanzanita.org to be promoted on the website.

5. NEW BUSINESS:

A. Liquor License – Neah-Ka-Nie Bistro – Owner Eisha Castro

Restaurant owner Eisha Castro spoke about the Bistro and asked Council to approve the liquor license for the establishment.

A motion was made by Mayerle to accept the OLCC Application for the Neah-Ka-Nie Bistro. Seconded by Kozlowski; Motion passed unanimously.

B. Liquor License – Manzanita Mudd Dogs – Owner Michael Mudd

Restaurant owner Michael Mudd shared information about their business and asked Council to approve the liquor license for the establishment.

A motion was made by Mayerle to accept the OLCC Application for Manzanita Mudd Dogs. Seconded by Spegman; Motion passed unanimously.

C. Special Event Permit - Muttzanita – City Manager Leila Aman

City Manager Leila Aman shared information about this annual event. It is scheduled for September 9th from 10am until 3pm. It is planned to block off Laneda in front of The Little Apple to the beach for the 10-minute parade.

Allowed for public comment: There was one public comment.

A motion was made by Kozlowski to accept the Muttzanita Special Event Permit. Seconded by Mayerle; Motion passed unanimously.

D. Financial Advising Service Contract – City Manager Leila Aman

City Manager Leila Aman asked city council for authorization to execute a Personal Services Agreement with Grand Peaks Consulting for financial advising services. She said it would include ongoing financial advising services, development of a budget model that integrates the city forecasting model, and assistance with developing financial policies that meet the Government Financial Officers Association standards. The amount would not exceed \$150,000 for a five-year period.

A motion was made by Kozlowski to Authorize the City Manager to Execute a Personal Services Agreement with Grand Peaks Consulting not to exceed \$150,000 for a Five-Year Period. Seconded by Spegman; Motion passed unanimously.

E. Update on Grants – City Manager Leila Aman

City Manager Leila Aman said that the city received an award of \$60,000 from Business Oregon for the hazardous materials abatement and demolition of the two structures on Underhill Plaza. She asked the city council for authorization to complete the Brownfield Grant agreement. The city also applied for a grant to help pay for the update of the city's Comprehensive Plan from the Department of Land Conversation and Development for \$50,000. Aman also reported that the city has applied for the Small Cities Grant Allotment Program, up to \$250,000, through Oregon Dept of Transportation. This grant would be for a project on Classic St, north of Dorcas.

Allowed for public comment: There was one public comment.

A motion was made by Kozlowski to Authorize the City Manager to execute a Grant Agreement with Business Oregon for a Brownfield Grant. Seconded by Spegman; Motion passed unanimously.

F. Council Retreat Update – Council President Linda Kozlowski

Council President Linda Kozlowski said that the council retreat has been posted till September. It was decided to wait until the investigation has been completed and a new councilor has been sworn in. She spoke about the council appointment process and asked councilors to send potential questions to her by next Friday. The deadline to apply for the open city council seat is August 28, 2023 at 5pm.

G. Code Enforcement Officer Introduction – Police Sergeant Mike Sims

Police Sergeant Mike Sims introduced the new Code Enforcement Officer, Max Halverson. He spoke about the new position and said that Max's focus will be to gain compliance through education. Code Enforcement Officer Max Halverson shared his background and said he recently moved back to this area. He graduated with a degree in Criminology/Criminal Justice and minored in Child, Youth and Family Studies.

H. Dark Sky Lighting Discussion – Councilor Brad Mayerle & Police Sergeant Mike Sims

Councilor Brad Mayerle communicated that he has heard several concerns about bright lights in the city and shared some benefits of dark sky lighting. He also spoke about improving lighting implementation city wide with an Ordinance.

Police Sergeant Mike Sims shared a presentation about illuminations nuisances. He spoke about the basics of dark sky lighting and spoke about five principles that were provided by Dark Sky International. He stated that dark skies reduce light pollution and he went over the existing language in the city of Manzanita Short Term Rental ordinance, and neighboring cities Dark Sky Ordinances. He explained shielding of light sources and shared information about downward

lights and glare zones. There was a discussion about the possibility of having different guidelines for commercial and residential zones. Staff will draft an Ordinance and present it to the council on September 13, 2023 for further discussion.

Allowed for public comment: There were four public comments.

I. City of Nehalem Emergency Inter Tie Update – Public Works Director Dan Weitzel spoke about the emergency water connection between Manzanita and Nehalem. Emergency inter tie connections are common between water systems and can only be activated by state approval during an emergency. He said that the established emergency water connection is currently on Hwy 101 and is inoperable. It is planned to relocate the inter tie connection, as it will be more efficient and cost effective. There was a discussion explaining the difference between an Intergovernmental Agreement (IGA), and Memorandum of Understanding (MOU). It is planned to bring this back to council in October.

Allowed for public comment: There was one public comment.

A motion was made by Kozlowski to authorize the City Manager and Public Works Director to work with the City of Nehalem to relocate the Inter Tie Connection and Negotiate Terms. Seconded by Spegman; Motion passed unanimously.

6. COUNCIL REPORTS: Council members took turns sharing information and updates of what they were involved in for the month.

7. INFORMATION AND ADJOURN:

1. Manzanita Municipal Court will be held August 11, 2023, and continues to remain closed to the public.
2. Mayor Mondays on August 14th will meet in the park behind the visitor's center.
3. Conversations with Councilors: Check the website for the dates and times.

Mayor Simmons adjourned the meeting at 7:57PM.

MINUTES APPROVED THIS

6th Day of September, 2023

Deb Simmons, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
August 16, 2023
CITY COUNCIL WORK SESSION

1. CALL MEETING TO ORDER: The meeting was called to order on August 16, 2023, at 2:00pm via Zoom by Mayor Deb Simmons.

ROLL: Members present: Deb Simmons, Linda Kozlowski, Jerry Spegman, and Brad Mayerle. Staff present: City Manager Leila Aman, Accounting Manager Nina Aiello, and Assistant City Recorder Nancy Jones. Panelist present:

2. Nehalem Bay State Park Update: Oregon Parks and Recreation Park Manager Ben Cox & Senior Project Manager Tracy Johnson

Oregon Parks and Recreation Senior Project Manager Tracy Johnson spoke about upcoming projects at the Nehalem Bay State Park. She shared information about phase one of a project associated with the General Obligation (GO) Bond. This phase is staff housing and will be approximately four to six, one-person cabins. She reported that the design of this phase has been completed, it went out to bid and an intent to award went to a local contractor. She said that site development should start next month, with construction to begin this fall/winter. Phase two will be utility renovation, which is the bulk of the project and is currently in the design phase. This phase will upgrade the current systems in the camp sites. Phase two is planned to begin fall/winter of 2024/2025. Repaving the entry road is planned to begin fall/winter of 2025/2026. She also spoke about some long term projects that are scheduled for the next 5 to 10 years.

Park Manager Ben Cox said the park has approximately 300 campsites and they generally run at full capacity from memorial day weekend to mid-September. Approximately two years ago the state went to flexible fees to help fill parks that are less used. He said that park rates are established by Administrative rule and there is currently a non-resident surcharge.

3. Revenue Diversification Discussion: City Manager Leila Aman

City Manager Leila Aman said that exploring and implementing alternative revenue sources could bridge the funding gaps that the city is currently experiencing. She shared information that was provided by Eco Northwest at the conclusion of the revenue diversification study. She communicated the results of the study and spoke specifically about the top four choices and asked for direction from city council. The top four are General obligation Bond, Transportation Utility Fee, Food and Beverage Tax, and Parking fee. City Council asked the city to work on a timeline and steps it would take for each of the four to implement. This will be on the agenda for the October work session.

4. Adjourn: Mayor Simmons adjourned the meeting at 3:25pm.

**MINUTES APPROVED THIS
6th Day of September 2023**

Deb Simmons, Mayor

Attest:

Leila Aman, City Manager

BILLS FOR APPROVAL OF PAYMENT

From 08/01/2023 - 08/31/2023

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
911 SUPPLY (MATERIALS & SUPPLIES)	\$584.84		\$432.84						\$152.00	
ADVENTIST HEALTH (PROFESSIONAL SERVICES)	\$120.84									\$120.84
BEARING ARCHITECTURE (CITY ARCHITECT)	\$8,410.00						\$8,410.00			
BOLI (DORCAS STATE REPORTING)	\$1,311.28							\$655.64		\$655.64
CASELLE (SOFTWARE SUPPORT)	\$2,220.00	\$1,663.00								\$557.00
CHARTER (INTERNET SERVICE)	\$469.93	\$219.98	\$129.98						\$119.97	
CHAVES (COURT SOFTWARE)	\$195.24				\$195.24					
CITY OF NEHALEM (FINES & ASSESSMENTS)	\$559.00				\$559.00					
CITY OF WHEELER (FINES & ASSESSMENTS)	\$446.00				\$446.00					
DMV (RECORDS REQUEST)	\$3.25				\$3.25					
EC ELECTRIC (ELECTRICIAN SERVICES)	\$148.00									\$148.00
EVANS PLUMBING (PLUMBING SERVICES)	\$1,236.77									\$1,236.77
FASTENAL (MATERIALS & SERVICES)	\$365.05							\$223.38		\$141.67
HEADLIGHT HERALD (ADVERTISING)	\$55.80									\$55.80
JASON WEISS (STAFF REIMBURSEMENT)	\$23.93	\$23.93								
JOHN COLLIER (PERF GUARANTEE RELEASE)	\$1,500.00	\$1,500.00								

BILLS FOR APPROVAL OF PAYMENT

From 08/01/2023 - 08/31/2023

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
KLOSH GROUP (OWNERS REP.)	\$3,797.37						\$3,797.37			
LARRY BLAKE (MUNICIPAL JUDGE)	\$400.00				\$400.00					
LES SCHWAB (VEHICLE MAINTENANCE)	\$1,491.80							483.96		\$1,007.84
LEXIPOL (MATERIALS & SUPPLIES)	\$2,950.00		\$2,950.00							
LWR NEHALEM TRUST (ELK MEADOWS MAINT)	\$2,000.00					\$2,000.00				
MANZANITA LUMBER (MATERIALS & SUPPLIES)	\$38.25							38.25		
MAX HALVERSON (STAFF REIMBURSEMENT)	\$56.00								\$56.00	
MILLER NASH (CITY ATTORNEY)	\$21,049.50	\$19,996.50		\$1,053.00						
NAPA AUTO PARTS (VEHICLE MAINTENANCE)	\$429.46							\$124.49	\$180.49	\$124.48
NEHALEM BAY WW (WASTEWATER SERVICE)	\$850.50	\$162.00	\$162.00	\$81.00		\$364.50				\$81.00
ONE CALL CONCEPTS (STATE LOCATE FEES)	\$43.40									\$43.40
ONE ELEVEN (IT SERVICES)	\$4,060.00	\$4,030.00								\$30.00
OREGON DEPT OF REV (FINES & ASSESSMENTS)	\$385.00				\$385.00					
PACIFIC OFFICE (POSTAGE & COPIER)	\$385.00	\$350.50								\$34.50
PINE GROVE (COMMUNITY MEETINGS)	\$745.00	\$745.00								
RHINO ONE (GEOTECHNICAL SERVICES)	\$255.00	\$136.00	\$68.00							\$51.00

BILLS FOR APPROVAL OF PAYMENT

From 08/01/2023 - 08/31/2023

[illegible]

BILLS FOR APPROVAL OF PAYMENT

From 08/01/2023 - 08/31/2023

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
WASHINGTON FEDERAL* (LOAN REPAYMENT)	\$77,666.22						\$77,666.22			
TOTALS	\$163,586.79	\$31,333.26	\$5,666.23	\$4,669.79	\$2,100.53	\$2,544.12	\$89,920.11	\$6,669.24	\$10,596.55	\$10,086.96

*Repayment of Underhill Plaza Loan



City of Manzanita

PROCLAMATION

WHEREAS, Emergency Preparedness Month 2023 provides an opportunity for residents of the Nehalem Bay Area to be prepared for any type of emergency where they live, work, and play; and

WHEREAS, the Emergency Volunteer Corps of Nehalem Bay was created to promote a culture of preparedness for all the residents of Nehalem Bay Area; and

WHEREAS, taking steps toward personal preparedness and ensuring households, businesses, schools, and community organizations are prepared for disaster can reduce fatalities and economic devastation, and speed up recovery following a major crisis; and

WHEREAS, continuing efforts to enhance preparedness in the Nehalem Bay Region have proven invaluable to the area's response to previously unexpected crises – including tornados and a pandemic – by remaining flexible and acting appropriately on an individual and community-wide basis, and avoiding significant disruption to our way of life; and

WHEREAS, participating in the Preparedness Month 2023 will increase the number of residents who understand which disasters could happen in our community, including diverse challenges from tsunamis to the increasing threat of wildfire; and

WHEREAS emergency preparedness is the responsibility of every resident, and all residents are urged to make preparedness a priority and work together to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type.

NOW, THEREFORE, I, Deb Simmons, Mayor of the City of Manzanita, a municipal corporation in the County of Tillamook, in the State of Oregon, do hereby proclaim September 2023 as Emergency Preparedness Month in Manzanita and call upon all residents, homeowners, and businesses to support efforts to be prepared for the next emergency that comes our way.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Manzanita, I have hereunto set my hand on this 6th day of September 2023.

Deb Simmons, Mayor

ATTEST:

Leila Aman, City Manager / Recorder



City of Manzanita

PROCLAMATION

WHEREAS, refugees have proudly resided in the City of Manzanita and surrounding communities since the conclusion of the Vietnam War; and

WHEREAS, Vietnamese Americans have put forth their full toiling energy building the City of Manzanita and surrounding cities in a multitude of prominent areas including industry, economy, culture, education, and military service; and

WHEREAS, Vietnamese Americans have counted on the state of Oregon, USA as being their second heart, mind, and family homeland; and

WHEREAS, Vietnamese Americans have embraced Vietnamese customs and traditions that have been continually practiced through generations; and

WHEREAS, A large number of the Oregon's Vietnamese Americans respectfully embrace the yellow and three red striped Heritage and Freedom flag as a symbol of Vietnamese Americans community; and

WHEREAS, It is the will and desire from Vietnamese Community Of Oregon and its community members, that the Vietnamese American Heritage and Freedom Flag be recognized as the official flag of their organization in the City of Manzanita.

NOW, THEREFORE, I, Deb Simmons, Mayor of the City of Manzanita, a municipal corporation in the County of Tillamook, in the State of Oregon, do hereby recognize the Vietnamese American Heritage and Freedom Flag as the official flag of Vietnamese American organization in the City of Manzanita.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Manzanita, I have hereunto set my hand on this 6th day of September 2023.

Deb Simmons, Mayor

ATTEST:

Leila Aman, City Manager / Recorder



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 Fax (503) 368-4145 TTY Dial 711
ci.manzanita.or.us

APPLICATION FOR COUNCIL APPOINTMENT Updated

This application must be completed and returned to City Hall or via email to cityhall@ci.manzanita.or.us no later than August 28, 2023 (30 days from posting)

Applicants must be registered voters who have resided in the city for at least one year prior to the appointment.

All applications will be posted with the Council Packet on September 1, 2022. Applicants are required to attend the City Council Meeting on September 6, 2023, via Zoom to participate in an interview per City Charter Section 33 (see below).

Section 33. Filling of Vacancies. Vacancies in elective offices of the City shall be filled by appointment by a majority of the entire membership of the Council. Notice of permanent position vacancies shall be posted for a period of thirty days in advance of appointment at City Hall and three other public places, and application forms for said position shall be made available at City Hall. All applicants shall be invited to attend a regular Council meeting at which time they will be interviewed by the Council. At the conclusion of the Council's interview, the Council shall conduct a ballot to fill the vacant elective position. The appointee's term of office shall begin immediately upon his appointment and shall continue through the unexpired term of his predecessor.

Please provide the following information:

Name: William Stone

Street Address:

Mailing Address:

Email Address:

Length of Fulltime Residency: 3 years

Occupation: General Management

Previous Governmental Experience: Salem Downtown & Busing Advisory (Chair)
Oregon Travel Information Council

Are you available to meet (Y/N): Days: ☒ Evenings: ☒

Please state in your own words why you wish to serve in this position. I'd like to apply my experience and expertise to develop policies in the best interests of Manzanita's citizens.



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Please provide the following information:

Name: Gerald Wineinger

Street Address:

Mailing Address:

Email Address:

Length of Fulltime Residency: 7 years

Occupation: Retired

Previous Governmental Experience: 2000 Census Management and recently completed a course on Collaborative Governance given by Tillamook Community College.

Are you available to meet (Y/N): Days: __Y__ Evenings: __Y__

PLEASE CONTINUE TO 2nd PAGE

Please state in your own words why you wish to serve in this position.

I have attended most council, workshops and committee meetings since 2016. I am at a time in my life where I can dedicate a full time effort to assisting our current councilors and mayor to focus together on the important issues at hand. I have studied in detail our comprehensive plan, our ordinances, resolutions and charter to see both their value and deficiencies, so that we can have a solid plan for our beautiful town in the future as we update some of them.

I have heard current councilors say they have a lot on their plate. I am ready and willing to help them out.

I hope to use my experience to bring our city together and to the future together. I was one of the original committee members for P-IEEE (Institute of Electrical and Electronics Engineers) 802.11 creating a worldwide standard for all citizens to connect wirelessly from anywhere in the world (WiFi). It involved over 300 major electronics companies and 100s of countries. The task was difficult, but we accomplished our goal and today have the best solution for all citizens. My involvement gave me extensive experience working together to solve the problem, and I learned how to negotiate using effective compromises with team members of varying points of view.



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Please provide the following information:

Name:

Street Address:

Mailing Address:

Email Address:

Length of Fulltime Residency:

Occupation:

Previous Governmental Experience:

Are you available to meet (Y/N): Days: _____ Evenings: _____

Please state in your own words why you wish to serve in this position.

NAME: H. Michael Jahnke

STREET ADDRESS:

MAILING ADDRESS:

LENGHT OF FT RESIDENCY: 3 Years

OCCUPATION: C-Level Finance, Operations and Sales Mgt (Retired)

PREVIOUS GVT EXPERIENCE: NASA

AVAILABLE TO MEET: Days

REASON TO SERVE: Provide pragmatic diversity and represent progressive views of our constituents

Thank You for your consideration.

Mike

480-468-8520



APPLICATION FOR COUNCIL APPOINTMENT **Updated**

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Please provide the following information:

Name: **Jamie Schuermyer**

Street Address:

Mailing Address:

Email Address:

Length of Fulltime Residency: **6 years**

Occupation: **Property Management and Stay at home Mom**

Previous Governmental Experience: **N/A**

Are you available to meet (Y/N): Days: **Y** Evenings: **Y**

Please state in your own words why you wish to serve in this position.

Participating in acts of service to the public is a passion I hold. Additionally, I deeply care about the existing and upcoming livability issues occurring in Manzanita. Lastly, I see progress as a priority and I believe I would bring a youthful face the council. |

Name: Kathryn Stock

Street Address:

Mailing Address:

Email Address:

Length of Fulltime Residency: 6 years

Occupation: Retired – Supply Chain Management

Previous Governmental Experience: Member of Manzanita Budget Committee since 2020

Are you available to meet (Y/N): Days: Y Evenings: Y

Thank you, Mayor and Council, for considering my application.

Life is always interesting in Manzanita. It becomes more interesting the longer I live here and the more I learn about the people and the history that surround us. A few weeks ago, I was in line for breakfast at Yolk, and began talking with a family in front of us. We chatted about the usual topics...where they were from, why they were here, how they were enjoying their vacation. When she asked us where we lived, I said "Here." Her eyes opened wide and she said "You get to live here?!" I thought to myself, once again, how very fortunate I am to live in such a place.

We all have stories about what makes this part of the Oregon Coast a special place...the powerful and beautiful nature that surrounds us, the many volunteer organizations that hold us together, the friends and neighbors we have here, the family members who may live nearby or may only get to visit on occasion from great distances.

We also have observations about how this town has changed over time. That may come from a few years of experience here or decades. Recently, we have all lived together through a time of great change which some people call Covid Time. To put it mildly, this was a difficult time for everyone. I believe we are still learning what the impact of those years means for each of us and our community. We are also living in what I would call *another* growth phase in our community. It isn't the first time we've grown, but it is our shared *current* experience.

This growth, and the need for careful consideration of our community's future are what motivate me to apply for this open position on Council.

I have been observing and participating in City Council meetings for many years now. I was appointed to the Budget Committee in 2020 and recently was re-appointed to a second term. Over the years, I have made a point of getting to know council members and others who serve on the city's committees. I have also listened and observed the many ways in which people can agree or disagree with city direction.

What I can offer is many years of leadership experience from my paid-for-work life. I have a deep background in short and long-term planning, facilitating meetings and conversations, finding common ground when opinions are wide and varied, and making sound investment decisions for the future. I can also offer what I have learned thus far about city government and how it functions. I commit to continue to listen and learn and form my best possible judgement regarding important work that will be done in the year ahead and decisions the council will make.

That work should include: getting the new city hall building underway, beginning a few capital improvement projects if funding permits, developing our capacity for long-term capital project planning, and the Comprehensive Plan work that many are eager to begin.

My involvement in the Manzanita and Nehalem Bay area communities has also prepared me to understand our community. I have been an active supporter of the Hoffman Center for the Arts, the Lower Nehalem Community Land Trust, the North County Land Conservancy, and Friends of the Library. I actively support local business and am honored to know some of the business owners who keep our community going.

I would be honored to fill the seat that is open. I will look forward to responding to any questions you might have for me.

Kathryn A. Stock

A brief employment history...

Retired years

2010 – present

After a good, long run with Nike, Deb Tinnin and I have prioritized and enjoyed family, friends, extensive travel and all the pleasures associated with having a home in Manzanita. I am an avid reader, dedicated family historian and sometime writer.

Nike years – Global Diversity & Inclusion Team

2007 - 2010

Was part of a small, start-up team reporting directly to the CEO. We were tasked with leading a re-thinking of D&I strategy for Nike and its affiliate brands. We also designed & delivered customized workshops for leadership teams and large groups around the world.

Nike years – Supply Chain

1985-2007

My first Nike job was in Memphis TN at a Distribution Center. I was a customer service rep for small apparel accounts in the New York City area. What a great way to begin.

I worked my way up and around the ladder and had a lot of adventures along the way. Some positions over time...

GM, Wilsonville OR Distribution Center.

Director, Customer Service, Distribution, Transportation and Customs North America.

Footwear Logistics Director EMEA region (based in Netherlands for 4 years).

Director, Supply Chain Transition Management for US Region. Reporting to the President of the US business for a few years while Nike overhauled its entire systems platform.

Director, Supply Chain Development US Region. Leading strategic planning efforts for US supply chain (3-10 years out). Directing decision-making process for infrastructure investment.



COUNCIL STAFF REPORT

To: Mayor and City Council
Reviewed: Leila Aman, City Manager
From: Dan Weitzel, Public Works Director
Subject: **Storm Drain System Development Charge Increase**

Date Written: August 23,
2023

ACTION REQUESTED

Adopt Resolution increasing the Storm Drain SDC from \$174 to \$1,669.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 4, 2023 – City Council heard a presentation from staff on the process for updating the Storm Drain System Development Charge (SDC) and directed staff to move forward with a Resolution to update the Storm Drain SDC.

June 7, 2023 – City Council Conducted the First Reading on an updated SDC Ordinance that would bring the city into compliance with current state law.

July 5, 2023 – City Council conducted a second reading and unanimously approved updating the city's SDC ordinance 23-02.

ANALYSIS

The last time the City's System Development Charge Ordinance was updated was when it was established in 1991. Ordinance 91-4 authorizes the city to establish System Development Charges (SDC) for water, storm drainage and parks. When staff began the process of preparing for a Storm Drain SDC fee increase as directed by the City Council in January of 2023 staff learned that state law relating to the imposition of System Development Charges had changed in 2003. Staff determined that the city's Ordinance authorizing the imposition of SDCs should be updated prior to imposing a Storm Drain SDC.

At the July 5, 2023, Regular City Council meeting, the City Council unanimously approved the second reading of Ordinance 23-02 which repeals and replaces Ordinance 91-4 and puts the city's SDC Ordinance in line with ORS 223.297-223.316.

Resolution 91-7 Adopted a Storm Water Master Plan and established a Storm Drainage SDC of \$150. The last time the Storm Drain SDC was updated was in 1996 when it was increased from \$150 to \$174 per connection.

In order for the City to impose a new SDC fee for the Storm Drain system the first requirement is to provide appropriate notice of the proposed change. The notice is required to be mailed to

all “persons who have made a written request for notification” of proposed SDC changes. Notice is to be given at least 90 days prior to the first hearing on the proposed SDC change. Per ORS 223.304(6), the city is responsible for maintaining a list of any such persons.

The city reviewed its records and determined it did not have such a list. ORS 223.304(7)(a), provides, in part, that “[t]he failure of a person on the list to receive a notice that was mailed does not invalidate the action of the local government.” This safe harbor provision protects a city that mails notice that never arrives at its destination but does not necessarily protect a city that fails to mail notice altogether. Therefore, staff sought guidance from the City Attorney to meet the spirit of the notice requirement and mailed notice to every address within the City limits on 2/7/2023, and published a notice in the Headlight Herald on 2/14/2023 as the least risk option to meet this objective.

In addition to providing notice 90 days in advance the city is also required to make the methodology supporting the system development charge available at least 60 days prior to the first hearing. Staff posted the methodology and included a link to the methodology in the notice on 2/8/2023. However, staff confirmed with the City Attorney’s office that the new SDC Ordinance had to be in effect before the city council raises the Storm SDC. Therefore, staff re-noticed an updated hearing on June 7, 2023, in order to hold a public hearing on September 6, 2023.

BUDGET IMPACT

Legal fees were incurred for the purpose of updating the city’s SDC Ordinance and drafting of the Storm Drain SDC Resolution. The proposed fee change would contribute positively to the Storm Drain SDC fund.

WORKLOAD IMPACT

The work required to complete the SDC ordinance and updated Resolution is now complete. There is not a significant workload impact to implement a new fee.

ALTERNATIVES

The Council can elect to adopt a fee lower than the maximum proposed fee. The Council can elect to not adopt the Resolution or fee increase. The council can ask for more information and defer the decision to another month.

ATTACHMENTS

1. Resolution
2. June 7, 2023 Notice



City of Manzanita

COUNCIL RESOLUTION No. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANZANITA, OREGON, MODIFYING THE METHODOLOGY USED TO DETERMINE SYSTEM DEVELOPMENT CHARGES (“SDCs”) PERTAINING TO STORM DRAINAGE AND REPEALING ANY PREVIOUS RESOLUTIONS PERTAINING TO STORM DRAINAGE SDCs.

WHEREAS, Chapter 223 of the Oregon Revised Statutes (ORS) authorizes the City to charge SDCs for increased usage of Capital Improvements; and

WHEREAS, ORS 223.304 establishes requirements for determination of the amounts of SDC; and

WHEREAS, Ordinance No. 23-02 implements the statutory authority to impose SDCs; and

WHEREAS, the City’s storm drain SDC was last updated in 1996; and

WHEREAS, the City Council desires to update the methodology used to determine storm drain SDC amounts.

Now, Therefore, be it Resolved by the City Council of the City of Manzanita that:

Section 1 – Repeal of Any Previous Resolutions

Any previously enacted City of Manzanita resolution establishing storm drain SDC amounts, is hereby repealed.

Section 2 - Methodology

A) Capitalized terms used but not defined herein shall have the meaning given in Ordinance No. 23-02.

B) The 2022 Storm Drain System Development Charge Study (the “**Engineer’s Report**”) prepared by HDR Engineering Inc. is attached hereto as Exhibit A and incorporated herein by reference.

C) The methodology for determining storm drain SDCs, including Reimbursement Fees and Improvement Fees, as presented in the Engineer’s Report, is hereby adopted by this Resolution.

Section 3 – Storm Drain SDC Amounts

A) The calculations for determining the storm drain SDC amounts are set forth in the Engineer’s Report.

B) Based on the Engineer’s Report, the adopted storm drain SDC shall be \$1,699 per equivalent service unit (“ESU”), of which \$115 is reimbursement fee and \$1,584 is improvement fee.

C) The following storm drain SDCs shall apply to all Development: one ESU per 5,000 square feet or fraction thereof of land area.

Section 4 – Effective Date

The storm drain SDC set forth above shall become effective thirty (30) days after adoption of this resolution by City Council and shall apply to all building and development applications received after that effective date.

Section 5 – Annual Adjustment of SDC Amount

The storm drain SDC adopted by this resolution shall be adjusted on January 1 of each year following the adoption year based on changes in the Pacific Northwest Construction cost changes in the Engineering News Record Construction Cost Index (ENR Index), as represented by the City of Seattle, Washington.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Deb Simmons, Mayor

ATTEST:

Leila Aman, City Manager/ City
Recorder



November 4, 2022

Mr. Dan Weitzel
City of Manzanita
1090 Oak St.
Manzanita, OR 97130

Subject: Storm Drain System Development Charge Report

Dear Mr. Weitzel:

The City of Manzanita (City) has requested technical and professional assistance from HDR Engineering Inc. (HDR) to review and update the City's storm drain system development charges. The City last updated their storm drain system development charges in 1996. The requirements for system development charges for water, storm drain, and parks and recreation were adopted under City Ordinance No. 91-4. The fee was last updated in 1996.

The City currently accounts for costs using the cash basis methodology for reporting which does not require reporting of assets or depreciation. Therefore, to update the storm drain system development charges without asset data, the City provided the last several years of completed storm drain projects. Future projects were based on the City's current storm drain capital improvement plan. The projected total equivalent service units (ESUs) for the storm drain system were based on existing billing ESUs, plus the 2019 Manzanita Urban Growth Boundary (UGB) Buildable Lands Inventory report estimates on buildable ESUs.

This analysis has been prepared using generally accepted financial and engineering principles. The City's financial, planning, and engineering data were the primary sources for the information contained in this report. HDR would recommend that prior to implementing the proposed SDCs contained in this technical review, the approach and analysis be reviewed by the City legal counsel for compliance with Oregon State law.

HDR appreciates the opportunity to assist the City in this matter. We also would like to thank you and your staff for the assistance provided to us. We look forward to future opportunities to work with the City.

Sincerely yours,
HDR Engineering, Inc.

A handwritten signature in blue ink, appearing to read 'Judy Dean', is written over a light blue horizontal line.

Judy Dean
Associate Vice President



Storm Drain System Development Charge Study

Introduction

The purpose of system development charges (SDCs) is to maintain equity between existing customers and new customers connecting to the City's storm drain system. The objective of a SDC is to calculate the cost-based charges for new customers connecting to, or existing customers requesting additional capacity on, the City's storm drain system. By establishing cost-based storm drain SDCs, the City attempts to have the growth pay for growth by having new customers pay their proportional share of the infrastructure in place which will serve them, while also reimbursing the existing utility customers for funding the financial impacts of growth.

HDR Engineering Inc. (HDR) was retained by the City of Manzanita (City) to update the City's storm drain SDC. The City has a current storm drain SDC of \$174 per equivalent service unit (ESU). The SDC has not been reviewed or updated since 1996. The City through adopted City Ordinance 91-4, Section 4, allows for the SDCs to be updated annually for inflationary cost impacts every January, based on the Engineering News Records Construction Index (ENR-CCI) for Seattle, Washington. Since the implementation of the current SDC, the City has not made the allowable annual inflationary adjustments. As noted in the City's ordinance, general industry recommendations are to adjust these charges annually based on changes in construction costs, and to update the charges every three to five years, or whenever comprehensive planning documents for the systems have been updated.

The first step in establishing cost-based SDCs, is to gain a better understanding of the definition of a SDC. For the purposes of this report, a SDC is defined as follows:

*"System development charges are one-time charges paid by new development to finance construction of public facilities needed to serve them."*¹

SDCs for storm drain are generally imposed as a condition of service. The objective of the SDCs are not to generate revenues for a utility, but rather to create fiscal balance between existing customers and new customers so that all customers seeking to connect to the utility's systems bear an proportional share of the cost of capacity that is invested in both the existing, and any future growth-related expansion of the system. Through the implementation of cost-based and equitable SDCs, existing customers will not be unduly burdened with the cost of new development. Absent those charges, many utilities would likely be unwilling to build growth-related facilities (i.e., burden existing rate payers with the entire cost of growth-related capacity expansion). The establishment of a cost-based SDC is a function of generally accepted methodologies, along with Oregon State law and regulations.

¹ Arthur C. Nelson, System Development Charges for Water, Sewer, and Stormwater Facilities, Lewis Publishers, New York, 1995, p. 1,

Requirement Under Oregon State Law

In establishing SDCs, an important requirement is that they be developed and implemented in conformance with local laws. In particular, many states have established specific laws regarding the establishment, calculation, and implementation of SDCs. The main objective of most state laws is to assure that these charges are established in such a manner that they are fair, equitable, and cost-based. In other cases, state legislation may have been needed to provide the legislative powers to the utility to establish the charges.

The purpose of Oregon law for the determination of SDCs is to provide a uniform framework for the imposition of SDCs by local governments for specified purposes, and to establish that such fees be used only for capital improvements. Specifically, the requirement for the calculation of SDCs in Oregon is found in ORS 223.297 to 223.314. Capital improvements as defined under Oregon law are as follows:

- Water supply, treatment and distribution;
- Wastewater collection, transmission, treatment and disposal;
- Drainage and flood control;
- Transportation; and
- Parks and recreation.

An SDC means a reimbursement fee, an improvement fee, or a combination thereof. As defined under Oregon law, “improvement fee” means a fee for the costs associated with capital improvements to be constructed. “Reimbursement fee” means a fee for costs association with capital improvements already constructed or under construction.

In addition to the definitive requirements of the establishment of a SDC as an improvement fee and/or reimbursement fee, other requirements under Oregon law are as follows:

- The SDC must be based on an approved capital improvement plan, public facilities plan, master plan, or comparable plan which lists the capital improvements that may be funded with the improvement fee revenues and the estimated costs and timing for each improvement.
- Proper administrative review procedures must be followed in the enactment of an SDC resolution or ordinance.
- SDC funds must be spent only on facilities for which they were collected.
- A proper accounting system must be established which provides for an annual accounting of SDCs showing the total amount of revenue collected and the projects that were funded.
- The SDC may be annually adjusted based on an annual, recognized, published index if incorporated as part of methodology and in a separate ordinance.

System Development Charge Calculation

In simple terms storm drain planning is based on stormwater runoff after an immediate rainfall and can involve groundwater flow and snow melt. The purpose of a storm drain system is to control runoff in ways that minimize hazards to life and property, and minimize inconvenience to

the general public. Many outside factors contribute to the runoff such as development, vegetation or hard surface area which do not allow for a set and defined capacity like a water or sewer system. For the most part the stormwater infrastructure is based on planning and development for a stormwater event, usually measured in 20 to 25 year increments. The City measures their storm drain capacity based on the Urban Growth Boundary (UGB) planning for existing and future buildable units.

There are various approaches that can be used to establish SDCs which ultimately depend on the available capacity in the utility (i.e., ability to meet future customer demands). The Water Environment Federation (WEF) Manual of Practice No. 27, Financing and Charges for Wastewater Systems, Fourth Edition discusses three generally accepted SDC methods:

- The **buy-in method** is based on the value of the existing system's capacity. This method is typically used when the existing system has sufficient capacity to serve new development now and into the future.
- The **incremental cost method** is based on the value or cost to needed to add to the existing system to serve additional customers. This method is typically used when the existing system has limited or no capacity to serve new development now and into the future.
- The **combined approach** is based on a blended value of both the existing and future costs needed to serve a new customers. This method is typically used where some capacity is available in the existing system, but future projects are needed in other parts (e.g., lift station, collection) to serve new development at some point in the future.

The storm drain system has specific expansion needs to serve new customers. Therefore, the combined approach is the approach that best fits the City's expansion of facilities given the impacts of growth outlined in the Master Plan. Therefore, the existing and future component cost per ESU is determined, and the cost per ESU for each existing and future component is added together for a combined total.

Within the generally accepted SDC methodologies,² there are a number of different steps used to establish cost-based and equitable SDCs. These steps are as follows:

- **Step 1** – Determination of system planning criteria
- **Step 2** – Determination of equivalent service units (ESUs)
- **Step 3** – Valuation of system component costs
- **Step 4** – Determination of any credits

² Methodologies established in industry documents referenced as System Development Charges for Water, Wastewater, and Stormwater Facilities, by Arthur C. Nelson; AWWA M-1 Manual, 7th Edition and WEF Manual of Practice No. 27, Financing and Charges for Wastewater Systems, Fourth Edition.

Step 1 – Determination of System Planning Criteria

The first step in establishing the SDC is the determination of the system planning criteria. This implies calculating the amount of capacity required by a single-family residential customer, or one ESU. The use of an adopted facility plan or master plan for the utility provides the basis for the SDC system planning criteria. These planning documents provide the rational planning basis and criteria for the facilities and investment needed to operate and maintain the system properly and adequately. Generally, for a storm drain system the planning criterion is the defined minimum lot size per ESU. The City's recent Urban Growth Boundary, Buildable Lands Inventory defined the average lot as roughly 94% high density residential zoning with a minimum lot size of 5,000 square feet. Table 1, below, provides the planning data for the City's storm drain system.

Table 1. SDC – Planning Data

Description	Total
Total Buildable Acres ⁽¹⁾	96.05
Square Feet per Acre ⁽²⁾	<u>x 43,560</u>
Total Buildable Square Feet	= 4,183,938
Minimum Lot Size ⁽³⁾	÷ 5,000
Total Future ESUs	= 836.79

(1) Manzanita UGB: Buildable Lands Inventory, October 10, 2019, Table 9: Summary of Residential Buildable Lands.

(2) Definition of square feet per Acre is 43,560 square feet.

(3) Defined minimum lot size, Manzanita UGB: Buildable Lands Inventory, October 10, 2019, page 21 of 21.

Step 2 – Determination of Equivalent Service Unit (ESU)

The next step is the determination of the ESUs. An ESU provides a “common denominator” for assessing impact on a utility system. The determination of the total system ESUs is an important calculation in that it provides the linkage between the amounts of infrastructure necessary to provide service to a set number of customers.

System planning criteria are used to establish the capacity needs of an ESU. The future ESUs is 836.79 units. The existing ESUs is 3,039.00 based on billing data from the 2021 Water Master Plan. The future ESUs plus the existing ESUs is approximately 3,875.79 total ESUs. A summary of the existing, future and total ESUs is presented in Table 2.

Table 2. SDC – Equivalent Service Units

Description	Total
Existing ESUs ⁽¹⁾	3,039.00
Future ESUs ⁽²⁾	<u>836.79</u>
Total ESUs	3,875.79

(1) Number of ESUs based on billing data from 2021 Water Master Plan for 2020, page iii..

(2) Future ESUs based on Table 1 SDC-Planning Data.

Given the development of the storm drain system ESUs the focus shifts to the calculation of the SDC for each component. This aspect of the analysis is discussed in the next steps below.

Step 3 – Valuation of System Component Costs

The next step of the analysis is to review the major functional system infrastructure to determine the SDC for the storm drain system. In calculating the SDC, existing components and future capital improvements relating to expansion were included. The methodology used to calculate each of these components is described below.

Existing or Buy-in Component

The City currently uses the cash basis methodology for reporting which does not require reporting of assets or depreciation. Therefore, to update the current storm drain system development charges absent asset data, the City provided the last several years of completed storm drain projects. A replacement cost method was used to bring the infrastructure to today's dollars. To accomplish this, the completed projects were escalated to October 2022 dollars, based on the Construction Cost Index (CCI) for the Seattle area published in the Engineering News-Record (ENR). The total SDC existing component value totaled \$446,000. The total existing completed projects of \$446,036 divided by total ESUs of 3,875.79 results in \$115 per ESU for the existing component ($\$446,036 \div 3,875.79 \text{ ESUs} = \115 per ESU). Further detail can be seen on Exhibit 2 of the Technical Appendix.

Future Component

An important requirement for a SDC is the connection between the anticipated future growth on the system and the required facilities and infrastructure needed to accommodate that growth. For purposes of this study, the City's current Capital Improvement Plan (CIP) was provided by the City. It should be noted that the future components are in today's dollars (2022).

The total future capital projects totaled \$6.1 million. The total future component of \$6.1 million divided by total ESUs of 3,875.79 results in \$1,584 per ESU for the future component ($\$6.1 \text{ million} \div 3,875.79 \text{ ESUs} = \$1,584 \text{ per ESU}$). The capital improvement listing can be seen on Exhibit 3 of the Technical Appendix.

Step 4 – Determination of Any Credits

The last step in the calculation of the SDC the determination of any credits. The credit considers the method used to finance infrastructure on the system so that customers are not paying twice for infrastructure. The double payment can come in through the imposition of a SDC and then the requirement to pay debt service within a customer's storm drain rates.

The City does not have any outstanding debt service for storm drain therefor there is no debt credit at this time.

SDC Summary of Net Allowable Calculation

Based on the sum of the component costs calculated above, the allowable storm drain SDC was determined. "Allowable" refers to the concept that the calculated SDC is the City's cost-based

SDC. The City, as a matter of policy, may charge any amount up to the allowable SDC, but not over that amount. Charging an amount greater than the allowable SDC would not meet the practical basis of a cost-based SDC. Table 3 shows a summary of the allowable SDC per ESU. Details are provided in Exhibit 1 of the Technical Appendix.

Table 3. Summary of SDC per ESU

Component	Total SDC
Reimbursement Fee (RCN)	\$446,036
Improvement Fee	<u>6,140,000</u>
Total Reimbursement and Improvement Fee	\$6,586,036
Total Existing and Future ESUs	3,875.79
Total System Development Charge per ESU⁽¹⁾	\$1,699

(1) One ESU equals 5,000 square foot lot size.

This calculated storm drain SDC of \$1,699 compares to the City's current SDC of \$174 per ESU, or an increase of \$1,525. The \$1,699 per ESU reflects one (1) equivalent service unit which is approximately a 5,000 square foot lot based on the UGB Buildable Land Inventory definitions.

The large increase is based on the fee not changing since 1996, plus capital projects that need to be completed for additional growth on the system. It is recommended that the City adjust the adopted fee by the City Council, annually, as detailed in the Ordinance 91-4. Further, if planning data or capital projects change the fee should be updated with any new planning information.

SDC Implementation

The City implements the fee on an ESU basis. Table 4 below summarizes the SDC for present and calculated for the storm drain system.

Table 4. Present and Calculated System Development Charge

Use Category	Present SDC ⁽¹⁾⁽²⁾	Calculated SDC ⁽³⁾	\$ Change
One (1) Equivalent Service Unit	\$174	\$1,699	\$1,525

(1) 1 equivalent service unit is approximately 5,000 square foot lot.

(2) Present SDC as of 1996.

(3) Combined methodology established in Water Environment Federation (WEF) Manual of Practice No. 27, 4th Edition, p. 206-211.

Summary

Based on the review and update of the City's storm drain system, HDR recommends the following:

- ✓ The City may adopt storm drain for new connections to the storm drain system that are no greater than the net allowable SDC as set forth in this analysis.
- ✓ The adopted storm drain SDC should be updated annually by a local construction cost index such as the Engineering News Record Construction Cost Index (ENR-CCI) for no more

than five years before a complete update of the charge is undertaken. This best industry practice can keep the charge relatively current with construction pricing practices.

- ✓ The City should update the actual calculation for the SDC at such time when a new capital improvement plan, public facilities plan, comprehensive system plan, or a comparable plan is approved or updated by the City, or every five years or when a major infrastructure project is completed.

The storm drain SDC developed and presented in this technical review are based on the planning and engineering design criteria of the City's storm drain system, the estimated value of the existing completed projects, future capital improvements, and generally accepted rate and fee setting principles. Adoption of the calculated net allowable SDCs will create equitable and cost-based charges for new customers connecting to the City's storm drain system.



Technical Appendix

City of Manzanita

Exhibit 1

Development of the Storm Drain SDC Per ESU

Description	SDC Eligible		TOTAL RCN (3)
	Original Cost (1)	Original Cost (2)	
Reimbursement Fee			
Land	\$0	\$0	\$0
Storm Drainage	334,537	334,537	446,036
Flood Control	0	0	0
Total Reimbursement Fee	\$334,537	\$334,537	\$446,036
Improvement Fee (4)			
Land		\$0	\$0
Storm Drainage		6,140,000	6,140,000
Flood Control		0	0
Total Improvement Fee		\$6,140,000	\$6,140,000
Total Reimbursement and Future Investment			\$6,586,036
Total Equivalent Service Units (5)			3,875.79
Calculated SDC per ESU			\$1,699
Current SDC			\$174
Seattle ENR-CCI 12/1/1996			6,086.77
Seattle ENR-CCI 10/1/2022			15,197.93
ENR Factor from 1996 - 2022			2.50
Current SDC at ENR			\$434

NOTES:

- (1) Asset list based on infrastructure as of June 30, 2022. See Exhibit 2.
- (2) Net of assets that are not SDC eligible.
- (3) Replacement based on specific "in service" date of asset and October 2022 Engineering News Record, Seattle construction cost index.
- (4) Current capital improvement plan. See Exhibit 3.
- (5) Total equivalent service units based on UGB Buildable Lands Inventory. See Exhibit 4.

City of Manzanita
Exhibit 2
Fixed Asset Listing as of June 30, 2022

Asset #	Function	Contributed	Description	Date Acquired	Original Cost	ENR-CCI 9/1/2022 14,639 ENR Factor (1)	Replacement Cost	% SDC	SDC Eligible Original Cost	SDC Eligible Replacement Cost
	Storm Drainage		Third St S. Project (street reconstruction, new storm)	12/30/2013	46,976	1.49	70,034	100.0%	46,976	70,034
	Storm Drainage		Laneda Project (street reconstruction, new storm)	12/30/2014	10,862	1.55	16,801	100.0%	10,862	16,801
	Storm Drainage		Ridge Rd storm (new storm)	12/30/2017	21,784	1.35	29,516	100.0%	21,784	29,516
	Storm Drainage		Ridge Ct (new storm)	12/30/2016	2,075	1.38	2,872	100.0%	2,075	2,872
	Storm Drainage		4th Place S. (new storm)	12/30/2016	6,760	1.38	9,355	100.0%	6,760	9,355
	Storm Drainage		S.Carmel (street reconstruction, new storm)	12/30/2017	137,896	1.35	186,846	100.0%	137,896	186,846
	Storm Drainage		Beach St (new storm)	12/30/2017	2,560	1.35	3,468	100.0%	2,560	3,468
	Storm Drainage		3rd St N. (street reconstruction, new storm)	12/30/2019	94,609	1.22	114,954	100.0%	94,609	114,954
	Storm Drainage		Storm Water Master Plan	12/30/2021	11,014	1.11	12,189	100.0%	11,014	12,189
Total					\$334,537		\$446,036		\$334,537	\$446,036

FUNCTION	Original Cost	Replacement Cost	SDC Eligible Original Cost	SDC Eligible Replacement Cost
Assets				
Land	\$0	\$0	\$0	\$0
Storm Drainage	334,537	446,036	334,537	446,036
Flood Control	0	0	0	0
Total	\$334,537	\$446,036	\$334,537	\$446,036

NOTES:

(1) System cost based on asset listing as of June 2022 plus October 2022 ENR-CCI for Seattle.

City of Manzanita
Exhibit 3
Development of Future Capital Improvements

Project Description (1)	Est. Project		Total	% Eligible (2)	\$ Eligible
	Length	Function			
1 Division St. South to Dorcas Ln Drainage	2,800	Storm Drainage	\$1,258,000	100%	\$1,258,000
2 Sitka St Drainage	550	Storm Drainage	219,000	100%	219,000
3 Lakeview Dr Drainage	2,500	Storm Drainage	1,121,000	100%	1,121,000
4 Pine Ave and Cedar St Drainage	1,130	Storm Drainage	611,000	100%	611,000
5 Hallie Lane Drainage	375	Storm Drainage	254,000	100%	254,000
6 Division St (North) Drainage	650	Storm Drainage	334,000	100%	334,000
7 North Ave and Epoh Ave	100	Storm Drainage	100,000	100%	100,000
8 Greenridge St Drainage	1,775	Storm Drainage	837,000	100%	837,000
9 Cherry St Drainage	500	Storm Drainage	502,000	100%	502,000
10 Manzanita Ave Drainage	2,000	Storm Drainage	904,000	100%	904,000
TOTAL CAPITAL IMPROVEMENT PROGRAM			\$6,140,000		\$6,140,000
			CATEGORY	TOTAL	
			Land	\$0	
			Storm Drainage	6,140,000	
			Flood Control	0	
			TOTAL	\$6,140,000	

NOTES:

(1) CIP based on Manzanita Stormwater Master Plan Update, December 2020, Figure 8.1, page 64 and 2022 \$.

(2) CIP % eligible based on type of project and City engineer input.

City of Manzanita - Storm Drain
Exhibit 4
Development of Equivalent Service Units

Total		
Total Buildable Acres (1)	96.05	Acres
Square Feet per Acre (2)	X <u>43,560.00</u>	Square Feet per Acre
Total Buildable Square Feet	= 4,183,938.00	Total Buildable Square Feet
Minimum Lot Size of 5,000 Square Feet (3)	÷ 5,000.00	Minimum Lot Size of 5,000 Square Feet
Future Buildable Units	= 836.79	Units
Existing ESUs 2022 ⁽⁴⁾	3,039.00	
Future ESUs	<u>836.79</u>	
Total ESUs	3,875.79	ESUs

NOTES:

- (1) Manzanita UGB: Buildable Lands Inventory, October 10, 2019, Table 9: Summary of Residential Buildable Lands.
- (2) Definition of square feet per Acre is 43,560 square feet.
- (3) Defined minimum lot size, Manzanita UGB: Buildable Lands Inventory, October 10, 2019, page 21 of 21.
- (4) Number of ESUs based on billing data from 2021 Water Master Plan for 2020, page iii.

City of Manzanita

Exhibit 5

Current and Calculated Storm Drain SDC

Item	Calculated SDC
Reimbursement Fee	\$115
Improvement Fee	1,584
Total SDC per ESU	\$1,699

Current SDC **\$174**



2023 Stormwater SDC Update

The City of Manzanita is undertaking an update of its Stormwater System Development Charge (Stormwater SDC). An SDC is a one-time fee imposed on new development at the time of development. The charge is intended to recover a fair share of the cost of system capacity needed to serve growth. System development charges provide a means for “growth to pay for growth.”

ORS 223.297 – 223.314 provides “a uniform framework for the imposition of system development charges by governmental units” and establishes “that the charges may be used only for capital improvements.” An SDC can be constructed to include one or both of the following components: (1) a **reimbursement fee**, intended to recover an equitable share of the cost of facilities already constructed or under construction, and (2) an **improvement fee**, intended to recover a fair share of future, planned, capital improvements needed to increase the capacity of the system.

On January 4th 2023, HDR Inc. (City’s consultant) and City Staff presented the proposed Stormwater SDC fee to the City Council. Next step for the City is to issue a 90-Day Notice of Public Hearing for Changes to the Stormwater SDC. The public hearing date is anticipated to occur September 6th, 2023.

The City last updated its Stormwater SDC methodology and rates have not been reviewed or updated since 1996. The Stormwater Master Plan, the City’s guiding document, includes an updated list of Capital Improvement Projects (CIP) addressing immediate capacity needs, aging infrastructure, water quality challenges, maintenance needs, and flooding concerns.

To meet this objective, the City took the following general approach.

Technical Analysis: The technical analysis included the creation of a comprehensive SDC project list using the 2020 Stormwater Master Plan. The list was carefully examined to determine the portion of each project that will add system capacity to serve growth. Only those costs are includable in the SDC improvement fee calculation. The SDC reimbursement fee is based on the unused capacity of assets available for future users. Both the reimbursement fee and improvement fee are proposed to be updated. The charge was then calculated to incorporate both the data inputs and guidance from our consultant.

Documentation: The law requires that a methodology report be provided describing the recommended policies and resulting charges. As per that statute, the methodology will be made available for review at least sixty days in advance of the first public hearing to consider the Stormwater SDC.



CITY OF MANZANITA

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Public Hearing on Methodology Changes & Rate

On February 6th 2023, the City issued a 90-day Notice of Public Hearing for Changes to the Stormwater SDC and its intent to amend the Stormwater SDC Methodology and Rates. The public hearing will occur on September 6th, 2023. The Final Report for Stormwater SDC, a technical report addressing the methodology and calculation of the proposed charges by HDR Inc., will be available for review after February 8th 2023.

For additional information regarding this SDC update, please contact Leila Amen, City Manager, at 503-368-3543 or cityhall@ci.manzanita.or.us



City of Manzanita
Application for Special Event Permit

Date of request: Aug 22 23 Manzanita
Person making request: Kendra Hall Farmers Market
Mailing address: Po Box 608 Manzanita
Phone number: _____ Cel number: 503-861-1442

Organization (if applicable): Manzanita Farmers Market

Type of event: Private Thank You Dinner

Date(s): 10-13-23 to 10-13-23 Hours: 9 AM to midnight

Location: underhill Plaza Field

(check which apply) Public Event: ☐ Private Event: ☒ Charitable: ☐ Profit: ☐
Non-profit: ☐ Public Property Used: ☒ Private Property Used: ☐

Estimated attendance: _____

Police, Fire or Medical support available or needed? Yes: ☐ No: ☒

Restrooms Available: Yes: ☒ No: ☐ Handicap Accessible: Yes: ☐ No: ☐

Alcohol Served/Sold/Consumed: Yes: ☒ No: ☐ Type: _____

Live Entertainment: Yes: ☒ No: ☐ Type: _____

Describe Event Support Staff: _____

Describe Parking Conditions: Parking around Plaza Building

Briefly Describe Nature of Event (attach map if needed for clarification or if requested)

Thank You Banquet For Vendor + Staff
Awards given
Dinner Served Before Sunset + music
+ Dancing over by 10 PM
Dinner over at 7:30
Dancing til 9:30

Request for field til midnight for
Clean-up

RECEIVED

AUG 22 2023

CITY OF MANZANITA



City of Manzanita

To: Mayor and City Council

Date Written: August 24, 2023

From: Leila Aman, City Manager

Reviewed By: Souvanny Miller, City Attorney

Subject: **DUNE GRADING MORATORIUM FINDINGS PER ORS 197.520 (4)**

PROCEDURAL BACKGROUND

On November 9, 2022, the City adopted moratorium on view grading as defined in the Manzanita Zoning Ordinance 95-4, Section 3.085.6.

On Feb 10, 2023, at least 14 days prior to the public hearing to extend the moratorium for a period six month the City provided the Department of Land Conservation and Development (DLCD) written notice that the City Council would be considering an extension of the Moratorium on March 8th, 2023. Meg Reed from DLCD provided the city with a response indicating that the notice was sufficient on February 14th, 2023. The City Council approved the extension of the Moratorium for a period of six months expiring on September 9, 2023.

On **August 8, 2023**, at least 14 days prior to the final public hearing to be held to consider the extension of the moratorium, the City provided written notice to the Department of Land Conservation and Development. This notice was provided via email to Brett Estes, North Coast Regional Representative, Department of Land Conservation and Development, and Meg Reed, Ocean Shores Specialist, Department of Land Conservation and Development. Staff was provided with an email response from Mr. Estes on August 8, 2023, indicating receipt of the notice. On September 6, 2023, the city held a public hearing.

PROPOSED SCOPE OF THE EXTENSION

This Moratorium shall be extended for six months from its current expiration date of September 9, 2023, and continue in effect until expiring on March 9, 2024, unless revoked by the City Council or extended in accordance with ORS 197.520(4).

While the Moratorium is in effect, the City shall not consider or approve any permit for view grading as defined in the Manzanita Zoning Ordinance 95-4, Section 3.085.6.

DEFINITIONS

"Affected geographical area" includes all properties within the beaches and dunes overlay zone. This land is "urban or urbanizable land" within the meaning of ORS 197.520.

PROPOSED FINDINGS IN SUPPORT OF THE EXTENSION OF MORATORIUM

Pursuant to ORS 197.520(4), the City of Manzanita finds as follows:

- I. The problem giving rise to the need for the Moratorium still exists, specifically:
 1. The City's current Foredune Management Plan ("Plan"), reflected in Manzanita Development Code 3.080, is 25 years old, and a number of things have changed since the Plan was adopted. The plan does not reflect the current status of the foredune system or best practices with respect to management. For instance, the amount of sand in the dune system has grown substantially over time. This has made it virtually impossible to grade to the dune profile dimensions specified in the Plan. Additionally, more regulatory agencies have indicated to the city that they need to be more closely involved in grading activities. For example, disposal of excess sand in the intertidal zone may need to be reviewed and modified, and a separate Corps of Engineers permit may need to be obtained. The Plan also does not take into account today's tidal flooding and erosion conditions.
 2. Because the Plan is out of date and does not reflect current conditions or best management practices, allowing view grading under the existing Plan may result in irrevocable public harm as follows:
 - a. Sand being distributed from private property onto the public ocean shore recreation area, or sand being disturbed in the ocean shore recreation area for the benefit of one or a small number of private landowners, despite:
 - i. Minimal to no public need or justification for view grading and,
 - ii. Overwhelming public opposition to recent applications for view-grading projects.
 - b. Negative impacts to the public enjoyment of the dunes during view grading activities.
 - c. Destabilization of the vegetated dunes from unsupported view grading of the dunes which could lead to impacts to both private and public development and infrastructure.
 - d. Unknown impacts on coastal shoreland resources such as razor clam and western snowy plover habitat from sand redistribution.
 - e. Unknown impacts on ocean resources by sand displacement into the intertidal zone from sand redistribution.
 - f. Establishment of additional European beach grass (which is allowed under the existing Plan) in the foredune area, rather than native beach grasses.
 - g. Un-studied impacts on public resources and nearby private properties relating to current and future anticipated seasonal tidal events, flooding and erosion.
 3. Based on the foregoing there is a compelling need for the moratorium.
- II. The city is making reasonable progress to alleviate the problem giving rise to the need for the Moratorium by:
 1. The city has hired a contract planner and is actively working on a Request for Proposals

to begin the update of the city's Comprehensive Plan including Goal 18 that addresses view grading. The Fiscal Year 2023-2024 budget includes sufficient approved resources to update the Comprehensive Plan. Goal 18 will be included as an early priority for community engagement and policy development.

- III. The Moratorium shall be extended by a period of six months to allow the City to continue making progress toward updating the Plan.