



City of Manzanita

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 812-2514 | Fax (503) 368-4145 | TTY Dial 711
ci.manzanita.or.us

Planning Commission

Zoom Video Webinar
<https://ci.manzanita.or.us/planning-commission/>

AGENDA

March 11, 2024
04:00 PM Pacific Time

Video Meeting: The Planning Commission will hold this meeting through video conference. The public may watch live on the [City's Website: ci.manzanita.or.us/broadcast](https://ci.manzanita.or.us/broadcast) or by joining the Zoom Meeting:

<https://us02web.zoom.us/j/87135807578?pwd=cHdHakc4WXExMzkwVWRPSnpjdnZQT09>

PASSCODE: 372529

Dial in number:

(253) 215 8782

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

1. **CALL TO ORDER** (4:00 p.m.)
2. **APPROVAL OF MINUTES** (4:01 p.m.)
3. **AUDIENCE PARTICIPATION** (4:02 p.m.)
4. **AGENDA ITEMS** (4:10 p.m.)
 - A. Annexation- Pine Grove Properties
 - B. Zone Change - Pine Grove Properties
5. **GENERAL UPDATES** (5:55 p.m.)
6. **ADJOURN** (6:00 P.M.)

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
DECEMBER 11, 2023**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 4:03 p.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Bert Gregory, Phil Mannan, John Collier, Frank Squillo and Lee Hiltenbrand. Staff present were: Building Official Scott Gebhart, City Manager Leila Aman, Head of Public Works Dan Weitzel, City 3rd Party Planner Scott Fregonese, and Permit Technician Chris Bird. Commissioner Christ was also logged into the meeting.

III. APPROVAL OF MINUTES: NOVEMBER 13, 2023

There were no corrections noted.

A motion was made by Squillo, seconded by Mannan to approve the minutes of the November 13, 2023 Planning Commission meeting. Motion passed unanimously.

IV. AUDIENCE: There were 26 persons in the audience.

V. PUBLIC COMMENTS: There was no public comment.

LEGISLATIVE ITEM

VI. UPDATE ON THE STATUS OF THE REGIONAL TRANSPORTATION PLAN

A. STAFF REPORT – Third party city planner Scott Fregonese stated to the commission that the staff report was not ready and if the staff report presentation could be postponed until the next planning commission meeting.

B. DECISION BY COMMISSION WITH MOTION - There was no objection by any commission member to postpone the staff report presentation to the next planning commission meeting in January.

QUASI-JUDICIAL ITEMS

ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Reddick-Yurka introduced the application being considered, described the public hearing process, and opened the hearing at 4:06 p.m.

**VII. PUBLIC HEARING: REQUEST FOR A DESIGN REVIEW FOR THE NEW CITY HALL;
ZONE: COMMERCIAL (C-1); LOCATION: 655 MANZANITA AVE; APPLICANT:
BERING ARCHITECTURE AND THE CITY OF MANZANITA**

- A. WRITTEN COMMENTS - None**
- B. OBJECTION TO THE NOTICE SENT ANNOUNCING THE HEARING – None**
- C. CHALLENGE TO PLANNING COMMISSION JURISDICTION – None**
- D. CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS –** Each of the Commissioners declared that they had no conflict of interest, no bias, or ex parte contact and they visited the site or were familiar with it
- E. CHALLENGE TO ANY COMMISSIONER FOR CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACT – None**
- F. APPLICANTS PRESENTATION -** The applicant, Chris Keane of Bering Architecture provided an overview
- G. GENERAL COMMENTS AND QUESTIONS –** It was asked about street and parking lot Standards.
- H. STAFF REPORT -** City Manager Leila Aman continued her staff report focusing on Governing Conditional Uses.
- I. GENERAL COMMENTS AND QUESTIONS –** The commission discussed standards
- J. STAFF REPORT -** City Manager Leila Aman continued her staff report focusing on Transportation Improvements and Uses and Notifications.
- K. GENERAL COMMENTS AND QUESTIONS –** It was asked if a building or structure was included in a transportation facility.
- L. STAFF REPORT -** City Manager Leila Aman continued her staff report focusing on Building Sites and Blocks.
- M. GENERAL COMMENTS AND QUESTIONS –** It was asked about the required width for fire safety.
- N. DECISION BY COMMISSION WITH MOTION –**

A motion made by Gregory seconded by Squillo to to adopt the findings and conditions in the staff report and approve the application with conditions:

- 1. Verify the landscape areas are appropriately sized.**

2. The screening of mechanical equipment per City of Manzanita ordinance with a preference to landscape as opposed to fencing.
3. Provide a pedestrian pathway from the main entrance to Manzanita Ave.
4. Provide bike parking to meet the upcoming TSP ordinance goals.

Motion passed unanimously.

VIII. GENERAL UPDATES: City Manager Leila Aman informed the Commission that there would be a design review on the new city hall at the next meeting.

IX. ADJOURNMENT:

Chair Reddick-Yurka adjourned the meeting at 6:00 p.m.

**MINUTES APPROVED THIS 11TH
DAY OF DECEMBER 2023**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager/Recorder

CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
January 8, 2024

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 4:12 p.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Bert Gregory, Phil Mannan, John Collier, Frank Squillo, Thomas Christ, and Lee Hiltenbrand. Staff present were: Building Official Scott Gebhart, City Manager Leila Aman, City 3rd Party Planner Scott Fregonese, and Permit Technician Chris Bird.

III. AUDIENCE: There were 18 persons in the audience.

IV. PUBLIC COMMENTS: There was no public comment.

V. APPROVAL OF MINUTES: DECEMBER 11, 2023 – Minutes for the previous meeting weren't available and will be approved at the next meeting.

LEGISLATIVE ITEM

VI. RECOMMENDATIONS TO CITY COUNCIL FOR THE ADOPTION OF CHANGES TO CITY ORDINANCES 91-2 STREET STANDARDS, ZONING ORDINANCE 95-4, AND THE SUBDIVISION ORDINANCE 95-5.

A. STAFF REPORT – Third party city planner Scott Fregonese presented the staff report showing updated recommendations for amendments to the city ordinances in question.

B. GENERAL COMMENTS AND QUESTIONS - Staff was asked about green street improvements as well as street pavement standards. It was then asked about relaxing of standards and the impact of the development. Staff was asked about bonds and different ways to guarantee street improvements. Conversation turned to local streets with advisory bike lanes and the minor collector width. A question was then asked about maximum block length and depth and the maintenance of pedestrian paths. It was then asked of staff about off-street and bicycle parking requirements for businesses and places of assembly. Staff was asked about lot access and having a length to width ratio of 3 to 1 as well as fire department access of flag lots.

VII. PUBLIC COMMENTS: There was no public comment.

VIII. PLANNING COMMISSION DECISION - There was unanimous consensus among all the planning commissioners adopting the staff report findings of fact and conclusions with minor revisions from Planning Commission
January 8, 2024

today to recommend to the council that the revisions to the ordinances as presented in the staff report be adopted to align city ordinances with the transportation system plan.

1. **7. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met. Change 4 to 7**
2. **7e Application of the standards of this chapter to the development would be grossly disproportional to the impacts created. Send to City Attorney for review.**
3. **4b If the applicant is required to provide street improvements, the City Manager may accept a future improvements guarantee in lieu of street improvements if one or more of the following exist, as determined by the city. Send to City Attorney for review.**
4. **Minor collector road ROW = 50'**
5. **Maximum block width 250'. Put in chart**
6. **Minimum Frontage requirement = 12'**

IX. GENERAL UPDATES: Building Official Scott Gebhart informed the Commission that there would be a commercial design review at the next meeting.

X. ADJOURNMENT:

Chair Reddick-Yurka adjourned the meeting at 5:16 p.m.

**MINUTES APPROVED THIS 8TH
DAY OF JANUARY 2024**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager/Recorder

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 12, 2024**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 4:01 p.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Phil Mannan, Bert Gregory, John Collier, Thomas Christ, Frank Squillo and Lee Hiltenbrand. Staff present were: Building Official Scott Gebhart, Third Party Planner Walt Wendolowski, and Permit Technician Chris Bird.

III. AUDIENCE: There were 18 persons in the audience.

IV. APPROVAL OF MINUTES: DECEMBER 11, 2023 & JANUARY 8, 2024

Minutes for the December 11 and January 8 meetings will be revised and approved in the March Planning Commission meeting.

V. PUBLIC COMMENTS:

No public comments.

QUASI-JUDICIAL ITEMS

ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Reddick-Yurka introduced the application being considered, described the public hearing process, and opened the hearing at 4:05 p.m.

VI. PUBLIC HEARING: DESIGN REVIEW CONDITIONAL USE APPLICATION; ZONE: COMMERCIAL (C-1); LOCATION: NORTHWEST CORNER OF LANEDA AVE AND 3RD ST N; APPLICANT: COLAB ARCHITECTURE AND URBAN DESIGN FOR PROPERTY OWNER ANKENYNESST LLC

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

B. CHALLENGE TO PLANNING COMMISSION JURISDICTION – None

C. CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS – Each of the Commissioners declared that they had no conflict of interest, no bias, or ex parte contact and they visited the site or were familiar with it.

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

- E. APPLICANTS' PRESENTATION** – The applicants presented some background information and the reasons for the Commission's approval of their design review.
- F. STAFF REPORT** – Third Party Planner Walt Wendolowski presented the staff report and described the application. He then presented the staff's findings of facts, conclusions, and recommended conditions of approval of the design review.
- G. GENERAL COMMENTS AND QUESTIONS** – It was asked of staff about the floor area calculations and if staff report got the upper and lower floor square footage reversed. A follow-up question to staff and the applicant centered on the ADA parking spot and it being in an adjacent lot. Conversation turned to required dimensions for driveway aisles or turnaround space as well as if bicycle parking is required. It was then commented that the design is attractive and fits on Laneda Ave. The applicant was then asked about the square footage of the lot and what the outdoor seating area would be for. It was also asked about the venting and exhaust of the kitchen facilities and what type of business can best take advantage of the space. The applicant was asked if an awning would be incorporated in the design and if they wanted an awning placement considered for the design review. It was then asked how much light the upper residential windows would push out being very large. Conversation turned to the easements of the property and how they are structured as well as the shared parking spot impacting parking requirements. It was then asked about details of the operation of any potential awning as well as permitting requirements. Staff was asked about construction fencing and if the city can mandate them.
- H. TESTIMONY PRO** - None
- I. TESTIMONY CON** - None
- J. CLOSE PUBLIC HEARING** – Reddick-Yurka closed the public testimony at 4:49 p.m.
- K. DISCUSSION BY COMMISSION MEMBERS** – It was commented that the project was interesting with a modern cottage style and complementing neighboring buildings. The commission also commented on its' scale, character, and how it harmonizes well with the community.
- L. DECISION BY COMMISSION WITH MOTION** -

A motion was made by Collier, seconded by Squillo, to adopt the findings and conditions in the staff report and approve the application. The motion carried unanimously.

VII. GENERAL UPDATES: Gebhart informed the Commissioners that at the next meeting they could look forward to an annexation and a zone change.

VIII. ADJOURNMENT:

Chair Reddick-Yurka adjourned the meeting at 4:57 p.m.

**MINUTES APPROVED THIS 12TH.
DAY OF FEBRUARY 2024**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager/Recorder



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planning@ci.manzanita.or.us

OTHER LAND USE APPLICATIONS

DATE: ____/____/____

FILE #: _____

APPLICANT INFORMATION:

| | |
|-----------------------|----------|
| Applicant/Owner Name: | Company: |
| Mailing Address: | Zip: |
| Phone(s): | Email: |

SITE INFORMATION:

| | |
|--------------------|---------------|
| Site Address: | |
| Map & Tax Lot(s): | Zone: |
| City Limits: | Urban Growth: |
| BRIEF DESCRIPTION: | |

Partition- \$525.00

Subdivision- \$1,200.00

- Enter Text

Conditional Use- \$682.50

- Enter Text

Site Plan Review- \$682.50

- Enter Text

Zone Change- \$656.25

- Enter Text

Annexation- \$1050

- Enter Text



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DATE: ____/____/____

FILE #: _____

APPLICANT INFORMATION:

| | |
|-----------------------|----------|
| Applicant/Owner Name: | Company: |
| Mailing Address: | Zip: |
| Phone(s): | Email: |

SITE INFORMATION:

| | |
|--------------------|---------------|
| Site Address: | |
| Map & Tax Lot(s): | Zone: |
| City Limits: | Urban Growth: |
| BRIEF DESCRIPTION: | |

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Conditional Use- \$682.50

- Enter Text

Site Plan Review- \$682.50

- Enter Text

Zone Change- \$656.25

- Enter Text

Annexation- \$1050

- Enter Text



PINE GROVE PROPERTIES, INC

ENCORE INVESTMENTS, LLC

February 2, 2024

To the City of Manzanita Planning Commission:

Pine Grove Properties, in collaboration with Encore Investments LLC, presents a transformative proposal aimed at addressing the housing needs of the Manzanita community. We seek a zone change for approximately 12.5 acres of our R2 property within the Urban Growth Boundary (UGB) to facilitate the development of two to three multi-family projects catering to work force and middle housing families.

Project Description

The current zoning of the property as R2 limits its potential for multi-family developments. Our proposal advocates for a change to SR/R zoning, enabling the construction of multi-family housing within a Planned Development (PD) framework. To assure this remains in perpetuity, we propose a deed restriction tied to resident income, as defined by Tillamook County for work force and middle housing. It will also include a restriction for NO short term rentals.

Rationale and Justification

The existing R2 zoning restricts development to single-family residences, overlooking the pressing need for multi-family accommodations. While zones like R3 and R4 permit multi-family buildings, their limitations on the number of dwelling units per structure hinder the feasibility of work force or middle housing. Our proposal aligns with the city's comprehensive plan, which emphasizes the importance of diverse housing options, yet current zoning regulations fail to accommodate this.

Community Impact

Introducing workforce and middle housing will have a positive effect throughout the community. Businesses, including restaurants, schools, and healthcare providers currently have recruitment challenges due to the housing shortage. Situated at the eastern edge of the UGB, the proposed site offers ample space to accommodate the envisioned development, alleviating the pressure on established neighborhoods for infill development.

Conclusion

Pine Grove Properties and Encore Investments are committed to realizing the city's vision for sustainable growth and development. We firmly believe that this proposal aligns with the city's goals as articulated in the comprehensive plan. We welcome further deliberation on this zone change application during your upcoming Planning Commission meeting.

Jim Pentz for Pine Grove Properties & Encore Investments, LLC

NOTES
THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY REPRESENT THE PORTION OF THAT SUBJECT PROPERTY THAT IS BEING REQUESTED FOR A ZONE CHANGE FROM R-2 TO SRR.

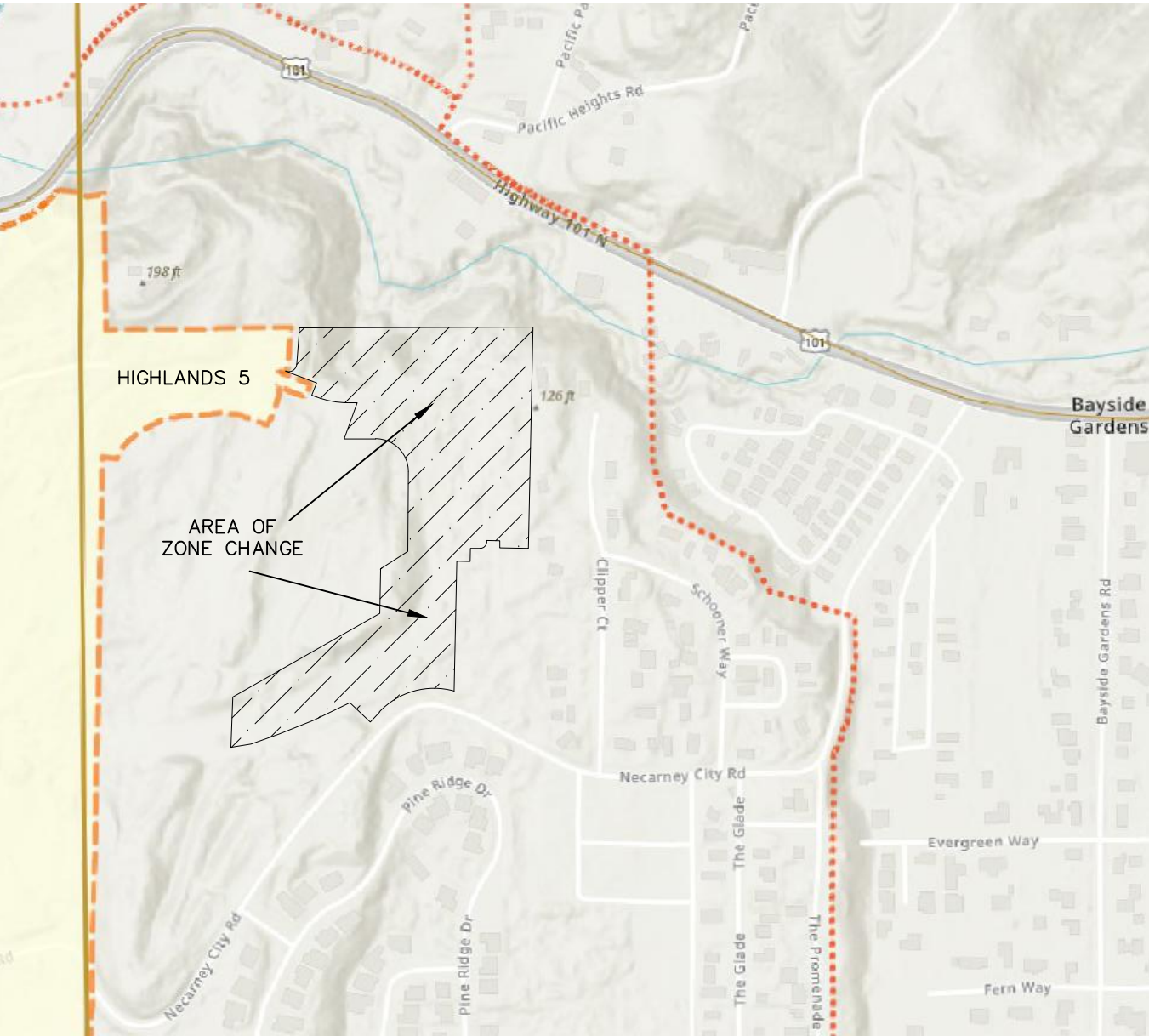
| CURVE TABLE | | | | | |
|-------------|---------|---------|------------|-------------|------------|
| CURVE | RADIUS | LENGTH | DELTA | CH. BEARING | CH. LENGTH |
| C1 | 20.00' | 31.42' | 90°00'00" | S46°08'58"W | 28.28' |
| C2 | 230.00' | 208.57' | 51°57'22" | S74°21'33"W | 237.14' |
| C3 | 100.00' | 158.28' | 90°41'21" | S44°54'48"E | 142.27' |
| C4 | 530.00' | 10.51' | 1°08'10" | S69°32'48"E | 10.51' |
| C5 | 25.00' | 46.10' | 105°38'54" | N57°03'40"E | 39.84' |
| C6 | 270.00' | 99.06' | 21°01'17" | N79°29'21"E | 98.51' |

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Erick M White

OREGON
APRIL 28, 2014
ERICK M. WHITE
78572

RENEWES 6/30/2024

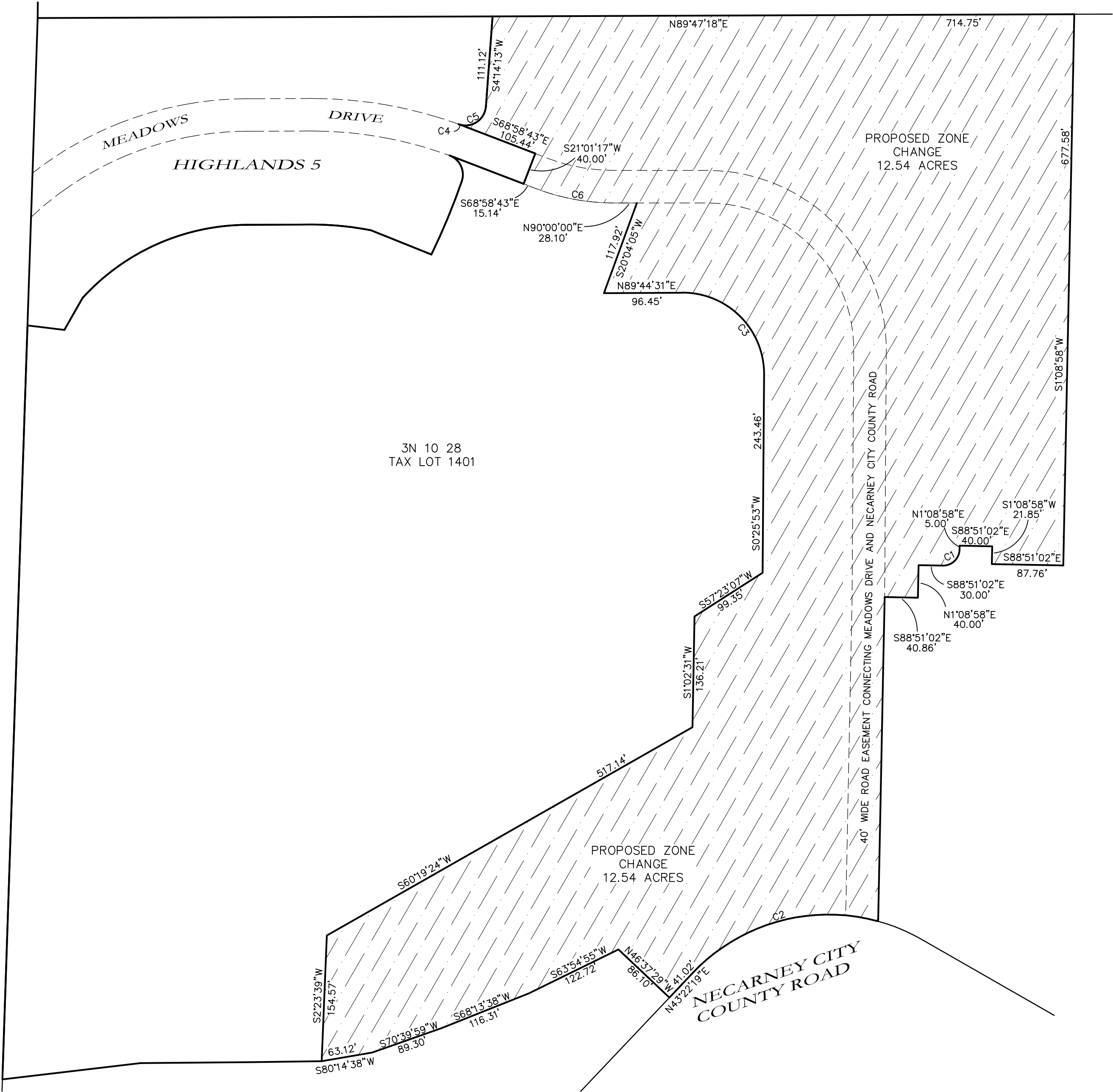


VICINITY MAP
1" = 500'

**ONION PEAK
DESIGN**

11460 EVERGREEN WAY
NEHALEM, OR 97131
(503) 440-4403

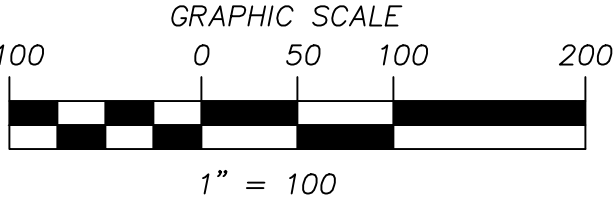
ENCORE2402-EX.DWG



PROPOSED ZONE CHANGE FOR:
**PINE GROVE
PROPERTIES, INC**

3N 10 28
TAX LOT
1401

NW 1/4 OF SECTION 28, T3N, R10W, W.M.
TILLAMOOK COUNTY
FEBRUARY 2, 2024





CITY OF MANZANITA

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February 20, 2024

Jim Pentz
Pine Grove Properties, Inc.
P.O. Box 569
Manzanita, Oregon 97130

RE: Completeness Letter – Annexation and Zone Change
Planning File #24007

Mr. Pentz:

The City of Manzanita received your Annexation and Zone Change applications for property off of Meadows Drive. City staff reviewed the application against the submittal requirements and determined the application is **COMPLETE**. The City will mail a separate Notice of Public Hearing.

Please contact me if you have any questions.

Respectfully,

Leila Aman
City Manager
(503) 368-5343



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NOTICE OF ANNEXATION AND ZONE CHANGE APPLICATION Planning File #24007

The City of Manzanita Planning Commission will hold its regular meeting on Monday, March 11, 2024, at 4:00 PM via Zoom. Go to www.ci.manzanita.or.us for log in information. This meeting will include a public hearing to consider the following application:

Applicant: Pine Grove Properties, Inc.
Owner: James P. Pentz
Location: The property is located approximately at the east end of Meadows Drive. Necarney City County Road borders the site along the south.
Assessor's Map: 3N-10W-28, Tax Lot 1401.
Subject Area: 12.54 acres.
Zoning: Medium Density Residential (R-2).
Request: Application to Annex the 12.54 acres into the City limits of Manzanita and rezone the newly annexed property to Special Residential/Recreation Zone (SR-R).
Criteria: The Annexation request is evaluated against the Oregon Revised Statute Chapter 222.111 to 222.177. The Zone Change request is evaluated against provisions listed in Sections 9.010 to 9.050 of Ordinance 95-5.

Persons interested in the proposal should become involved in the land use decision-making process. Anyone desiring to speak for or against the proposal may do so in person or by representative at the hearing. Written comments may also be filed with the City of Manzanita prior to the public hearing. All documents, evidence, and staff reports relied upon by the applicant, including a list of Manzanita Zoning Ordinance approval criteria applicable to the request, are available for inspection at Manzanita City Hall at no cost, or copies can be obtained for \$.25/page.

The Planning Commission's review is for the purpose of making a recommendation to the City Council on the proposal. A recommendation by the Planning Commission to approve or deny the application will be based upon the above listed criteria and these criteria only. At the hearing it is important that comments relating to the request pertain specifically to the applicable criteria. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the staff report will be available at least seven days prior to the hearing for inspection at no cost, or a copy can be obtained for \$.25/page. If you need any special accommodation to participate in the hearing, please notify City Hall 24 hours before the meeting. For further information please contact Leila Aman, City Manager, Manzanita City Hall, 368-5343, P.O. Box 129, Manzanita, Oregon 97130.



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STAFF REPORT

TO: Manzanita Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Planning File #24007 – Annexation & Zone Change
DATE: February 27, 2024

I. BACKGROUND

- A. **APPLICANT:** Pine Grove Properties, Inc. (Owner - James P. Pentz).
- B. **PROPERTY LOCATION:** The property is located at the east end of Meadows Drive. Necarney City County Road borders the site along the south. There is no site address, and the County Assessor places the property within Township 3 North; Range 10 West; Section 28; Tax Lot #1401.
- C. **SUBJECT AREA:** 12.54 acres.
- D. **EXISTING DEVELOPMENT:** The vacant subject area fronts two public streets and public services are available.
- E. **ZONING:** The Comprehensive Plan designates the land as Medium Density Residential (R-2).
- F. **ADJACENT ZONING AND LAND USE:** Property to the east and south is in Tillamook County and designated RMD. To north lies C-1 zoned land located along US Highway 101 and containing a mix of commercial uses. All remaining adjacent property is zoned SR-R and contains a mix of open space and residential development.
- G. **REQUEST:** Application to Annex 12.54 acres into the City limits of Manzanita, and a Zone Change from Medium Density Residential Zone (R-2) to Special Residential/Recreation Zone (SR-R).
- H. **DECISION CRITERIA:** Annexation - Oregon Revised Statute Chapter 222; Zone Change - Sections 9.010 to 9.050 of Ordinance 95-5.

II. APPLICATION SUMMARY

- A. The applicant wishes to annex approximately 12.54 acres of R-2 designated land. The subject area is located along the east side of the property and extends south to Necarney City County Road. Upon annexation, the property would be zoned R-2, consistent with the Comprehensive Plan designation. In addition, to the annexation, the applicant wishes to change the zoning from R-2 to SR-R. This Zone Change would apply to the entire 12.54 acres. While the applicant intends to develop the site (see applicant's submittal), this application does not include a concurrent development proposal.
- B. The City development regulations do not include annexation provisions. By default, the City is subject to provisions in Oregon Revised Statutes Chapter 222, Sections 222.111 to 222.177. The City Council has the option to conduct a public hearing on the request or refer the annexation to the voters. In addition, the Zoning Ordinance does not contain specific criteria for a Zone Change. Only Article 9, Amendments includes provisions applicable to the amendment process.
- C. This review will proceed with the annexation request, followed by the zone change application. For the record, the City did not receive any comments as of the date of this report.

III. ANNEXATION

- A. ORS Chapter 222 contains annexation procedures (a copy of the material is included as Attachment "A"). The statute does not specifically require (nor prohibit) the Planning Commission's review of a request. Staff previously coordinated the annexation process with the City Legal Counsel (Highlands 4 & 5 Subdivision), suggesting the Commission should at least make a recommendation to the Council on the annexation. This is entirely consistent with other legislative-type actions - such as zone changes or code amendments - that require a Commission recommendation as part of the legislative process. As noted in ORS 222.120 to ORS 222.177, the City Council has options on how to make a final determination, including providing an opportunity for a public vote on matter.
- B. ORS 222.111 Authority and procedure for annexation; specifying tax rate in annexed territory. This Section allows extending the boundaries of any city by the annexation of territory that is not within a city, and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake, or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. Further, an annexation may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

FINDINGS: The property owner submitted a request to annex the property. The subject property (Tax Lot 1401) is located within the City's Urban Growth Boundary

and adjacent and contiguous to the City limits to the west. Existing service districts (fire and sanitary sewer) will continue to serve the site and existing water and sanitary services were extended to the Highlands Subdivision located to the west. In summary, this portion of Tax Lot 1401 is available for urban uses and meets the statutory requirements for annexation.

- C. The remaining provisions in ORS 222.111 address specific issues (e.g., contracts or special airport provisions) or the City Council's role in reviewing an annexation request. *As part of its recommendation, the Commission may choose to suggest the City Council conduct a public hearing on the request as opposed to sending the request to the voters.*

IV. ZONE CHANGE

- A. As noted, the Zoning Ordinance does not contain specific review provisions for a zone change. The only available guidelines were provisions on processing amendments (Article 9, Amendments). The following findings address these provisions:

1. Section 9.010 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to the zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Manager.

FINDINGS: The property owner initiated the zone change, filing the necessary application and supporting documents.

2. Section 9.020 Public Hearings on Amendments. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment, and approve, disapprove, or modify the proposed amendment.

FINDINGS: This hearing before the Commission complies with the requirements in the Section. The Commission action will be in the form of a recommendation to the City Council.

3. Section 9.030 Record of Amendments. The City Manager shall maintain records of amendments to the text and zoning map of the Ordinance.

FINDINGS: If approved, this Section establishes an administrative requirement for the City.

4. Section 9.040 Limitations on Reapplication. No application of a property owner for an amendment to the text of this Ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

FINDINGS: This Section does not apply as this is the applicant's first request for this specific zone change.

5. Section 9.050 Amendments Affecting Manufactured Dwelling Parks. If an application would change the zone of property which includes all or part of a manufactured dwelling park as defined by ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

FINDINGS: This Section does not apply as the request does not involve property containing a manufactured dwelling park.

- B. It is evident the Amendment Article addresses the process but does not provide any decision criteria. As the zone change applies to residential zones (Ordinance Section 2.020), the Manzanita Comprehensive Plan provides guidance on "Residential Land Uses". The Land Use Goal states the following: *"To maintain and create residential living areas which are safe and convenient, which make a positive contribution to the quality of life, and which are harmonious with the coastal environment."* Five policies support this Goal; the following reviews the policies and supporting findings:

1. Policy #1 - Protect living qualities by requiring landscape screening or buffering between dwellings and commercial uses.

FINDINGS: The Zoning Ordinance allows the Planning Commission to require screening or buffering as part of residential development projects. Specific examples in the Zoning Ordinance are found in Section 4.060 for multi-family projects, Section 4.156(3) for site design review, and Section 5.031(g) for conditional uses.

2. Policy #2 - Require that subdivisions include adequate public street access for each house and lot, paved streets, adequate water and sewer systems, storm drainage, underground telephone, TV Cable, and electrical lines.

Street plantings and trees are desirable. Improvements should be of good quality.

FINDINGS: Numerous sections of the Manzanita Subdivision Ordinance 95-5, specifically related to streets and utilities, implement these provisions.

3. Policy #3 - Permit a variety of dwellings and flexibility in densities and site design for large, planned developments. Density standards established in the vicinity will generally serve as the basis for the overall density of such planned developments. Special review and approval by the Planning Commission will be required. Projects will be expected to provide usable open space, community facilities and other special amenities. The clustering of dwelling units in order to leave a greater amount of land for open space is encouraged.

FINDINGS: Provisions in the existing R-2 zone effectively limit residential development to the creation of individual lots for either single family homes or duplexes [Section 3.010(1)]. The SR-R zone not only permits single family homes and duplexes [Section 3.030(2)] but permits multi-family homes and townhouses (same Section). In addition, Section 3.030(4) allows higher densities and design flexibility in the SR-R zone, including clustering of homes.

4. Policy #4 - Require minimum lot sizes for single-family homes which adequately accommodate contemporary dwellings; separate structures for adequate light, air, fire-fighting access, and prevention of the spread of fire; provide space for two family automobiles per single-family dwelling. Pre-existing lots of sub-standard size may be developed under special conditions.

FINDINGS: As noted, both the R-2 and SR-R zones allow single-family and duplex residences. Since residential development in the SR-R zone must conform to the R-3 zone standards [Section 3.030(4)(b)], both the existing R-2 zone [Section 3.010(3)] and proposed SR-R zone contain similar lot size and dimension requirements [Section 3.020(3)]. Therefore, the zone change to SR-R will not reduce the ability to provide single family homes in a manner consistent with this policy.

5. Policy #5 - Require, in areas without urban services, minimum lot sizes which will assure that no danger to the public health will result from water supply or sewage disposal into the ground.

FINDINGS: This is not directly applicable, as urban services are available to the property regardless of zoning.

- C. A further issue is whether the loss of R-2 zoning will impact the City's overall ability to provide housing. The 2019 Buildable Lands Inventory conducted a survey of available, developable residential land within the City's Urban Growth Boundary. The report concluded with the following summary:

Summary of Residential Buildable Lands Inventory

Approximately 96 acres of land are available in the residential BLI. It may seem surprising that most of the land available falls under high density residential zoning (roughly 94%), but this is partially explained by the fact that R-2 medium density residential (the most populous zone) is technically classified as high density residential as it allows more than 8 units per acre given a minimum lot size of 5,000 square feet per unit. In fact, there are no zones classified as low density residential given our criteria. Medium density residential and commercial / mixed-use make up 5.6% and 0.5% of the residential BLI respectively.

Vacant land represents by far the largest opportunity for development, comprising almost 99% of the land available in the buildable lands inventory. While less partially vacant and redevelopable land is available, the location of specific parcels are important as they may represent geographies where development is highly desired (i.e., areas close to commercial cores) or where infrastructure (water and sewer) is available.

Table 9: Summary of Residential Buildable Lands Inventory, Manzanita UGB, 2019

| Housing Category | Vacant (acres) | Partially Vacant (acres) | Redevelopable (acres) | Total Buildable (acres) |
|----------------------------|----------------|--------------------------|-----------------------|-------------------------|
| Low Density Residential | - | - | - | - |
| Medium Density Residential | 5.40 | - | - | 5.40 |
| High Density Residential | 89.14 | 1.00 | 0.02 | 90.16 |
| Commercial / Mixed-use | 0.44 | 0.06 | - | 0.49 |
| Total: | 94.97 | 1.06 | 0.02 | 96.05 |

As previously noted, both the R-2 and SR-R zones allow single-family and duplex residences and developed to similar standards. The only significant difference between the two zones is that the SR-R zone allows multi-family residences. Therefore, the zone change does not eliminate housing opportunities permitted in the R-2 zone but increases housing opportunities by allowing multi-family units. On balance, the zone change will not reduce or inhibit the City's ability to provide needed housing.

- D. This application contains two distinct requests: annexation and zone change. The zone change cannot occur without the annexation; however, it is possible to annex the property without the concurrent zone change. Therefore, staff recommends the Commission vote on each request separately.

V. RECOMMENDATION – ANNEXATION

City staff finds the proposed Annexation is consistent with the relevant provisions in ORS Chapter 222 and recommends the Commission recommend City Council approval of the request.

VI. PLANNING COMMISSION ACTION - ANNEXATION

- A. The Planning Commission has the following options:
1. Recommend City Council approve the Annexation, adopting findings contained in the staff report;
 2. Recommend City Council approve the Annexation, adopting modified findings; or
 3. Recommend City Council deny the Annexation, establishing findings as to why the application fails to comply with the decision criteria.
 4. Continue the hearing to a date, time, and place certain.
- B. Staff will prepare the appropriate document for the Chair's signature.

VII. RECOMMENDATION – ZONE CHANGE

City staff recommends the Commission recommend City Council approval of the Zone Change request.

VIII. PLANNING COMMISSION ACTION - ANNEXATION

- A. The Planning Commission has the following options:
1. Recommend City Council approve the Zone Change, adopting findings contained in the staff report;
 2. Recommend City Council approve the Zone Change, adopting modified findings; or
 3. Recommend City Council deny the Zone Change, establishing findings as to why the application fails to comply with the decision criteria.

4. Continue the hearing to a date, time, and place certain.
- B. Staff will prepare the appropriate document for the Chair's signature.

ATTACHMENT "A"

Oregon Revised Statute Chapter 222 (Annexation Sections)

222.111 Authority and procedure for annexation; specifying tax rate in annexed territory. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

(3)(a) Except as provided in paragraph (b) of this subsection, the proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city.

(b) For purposes of paragraph (a) of this subsection, a proposal for annexation initiated by the legislative body of a city may provide for a duration of not more than 20 full fiscal years.

(c) The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal, but in no case may the proposal provide for a rate of taxation for city purposes in the annexed territory that exceeds the highest rate of taxation for city purposes applicable to other property in the city for the current year.

(d) If the annexation takes place pursuant to a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio that the proposal authorizes for that fiscal year.

(e) Notwithstanding paragraph (d) of this subsection, during the term of fiscal years provided for pursuant to paragraph (b) of this subsection, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

(4)(a) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

(b) Notwithstanding paragraph (a) of this subsection, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.

(7) Two or more proposals for annexation of territory may be voted upon simultaneously, but in the city, each proposal shall be stated separately on the ballot and voted on separately, and in

the territory proposed for annexation, no proposal for annexing other territory may appear on the ballot. [1957 c.613 §2 (enacted in lieu of 222.110); 1959 c.415 §1; 1967 c.624 §13; 1985 c.702 §7; 2019 c.315 §1]

222.115 Annexation contracts; recording; effect. A contract between a city and a landowner containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:

- (1) Must be recorded; and
- (2) When recorded, is binding on successors in interest in that property. [1991 c.637 §4; 2012 c.46 §§1,2]

222.118 Provision of city services to airport without requiring annexation. A city and an airport may enter into an agreement pursuant to which the city provides sewer and water services to the airport without requiring the annexation, or consent to eventual annexation, to the city of the territory on which the airport is situated. [2015 c.787 §1]

222.120 Procedure for annexation without election; hearing; ordinance subject to referendum. (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in

relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land. [Amended by 1953 c.220 §2; 1955 c.51 §1; 1961 c.511 §1; 1967 c.624 §14; 1971 c.673 §2; 1985 c.702 §8; 1987 c.818 §11; 1993 c.18 §39; 2009 c.595 §180]

222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

Note: 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

222.127 Annexation without election notwithstanding contrary city law upon petition of all owners of land; declaration of annexation. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed. [2016 c.51 §2]

222.130 Annexation election; notice; ballot title. (1) The statement summarizing the measure and its major effect in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect may not exceed 150 words.

(2) The notice of an annexation election shall be given as provided in ORS 254.095, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

(3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same notice and publication shall fulfill the requirements of publication for the city election and the election held in the territory. [Amended by 1967 c.283 §1; 1979 c.317 §4; 1983 c.350 §33; 1995 c.79 §80; 1995 c.534 §10; 2007 c.154 §60]

222.140 [Repealed by 1979 c.317 §26]

222.150 Election results; proclamation of annexation. The city legislative body shall determine the results of the election from the official figures returned by the county clerk. If the city legislative body finds that the majority of all votes cast in the territory favors annexation and the city legislative body has dispensed with submitting the question to the electors of the city, the city legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [Amended by 1983 c.83 §23; 1983 c.350 §34; 1985 c.702 §9]

222.160 Procedure when annexation is submitted to city vote; proclamation of annexation. This section applies when the city legislative body has not dispensed with submitting the question of annexation to the electors of the city. If the city legislative body finds that a majority of the votes cast in the territory and a majority of the votes cast in the city favor annexation, then the legislative body, by resolution or ordinance, shall proclaim those annexations which have received a majority of the votes cast in both the city and the territory. The proclamation shall contain a legal description of each territory annexed. [Amended by 1983 c.350 §35; 1985 c.702 §10]

222.170 Annexation by consent before public hearing or order for election; proclamation of annexation. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section. [Amended by 1955 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4; 1999 c.1093 §12]

222.173 Time limit for filing statements of consent; public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.311 to 192.478. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

222.175 City to provide information on taxes and services when soliciting statements of consent. If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited. [1985 c.702 §21; 1987 c.737 §6; 1987 c.818 §9]

222.177 Transmittal of annexation records to Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]