



# 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

## COUNCIL REGULAR SESSION

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

## AGENDA **updated**

September 4, 2024  
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/81103172491?pwd=eC3JUQfDaQrHr0p2daGgbSvEDCtb1u.1>

Meeting ID: 811 0317 2491 Passcode: 602488

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](mailto: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](mailto: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. August 07, 2024, Regular Session
- b. August 14, 2024, Work Session

**B. Approval of Bills**

#### **4. INFORMATION**

- A.** City Manager Report  
Leila Aman, City Manager
  
- B.** Emergency Preparedness Proclamation / EVCNB Update  
Mark Adamcin, Emergency Volunteer Corps of Nehalem Bay  
Megan Adamcin, Emergency Volunteer Corps of Nehalem Bay
  
- C.** Bond Issue for Emergency Responders Radio System  
Doug Olson, Tillamook County Commissioner
  
- D.** Farmers Market Update  
Kendra Hall, Executive Director, Manzanita Farmers Market

#### **5. NEW BUSINESS**

- A.** Short-Term Rental Program Update and STR Ordinance  
Housekeeping Amendments ~~and Development Services Update~~  
Scott Gebhart, Development Services Manager

#### **6. OLD BUSINESS**

- A.** Planning Commission Appointment of Council Member and PC  
Member  
Leila Aman, City Manager
  
- B.** Foredune Grading Moratorium  
Leila Aman, City Manager
  
- C.** Recology Rate Resolution  
Leila Aman, City Manager
  
- D.** LOC Legislative Priorities  
Leila Aman, City Manager

#### **7. COUNCIL UPDATES**

#### **8. ADJOURN (8:00)**

##### **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](mailto:cityhall@ci.manzanita.or.us) or phone at 503-812-2514. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [ci.manzanita.or.us/broadcast](http://ci.manzanita.or.us/broadcast).



## MEMORANDUM

To: City Council

Date Written: August 30, 2024

From: Leila Aman, City Manager

Subject: **September 4, 2024, City Council Regular Session**

---

### 4. INFORMATION

#### **B. EMERGENCY PREPAREDNESS PROCLAMATION / EVCNB UPDATE**

Mark Adamcin and Megan Admincin will present an annual update on EVCNB activities. The mayor will read the annual Emergency Preparedness month proclamation.

#### **C. BOND ISSUE FOR EMERGENCY RESPONDERS RADIO SYSTEM**

Tillamook County Commissioner Doug Olson will provide an overview of the proposed Bond Issue for the Emergency Responders Radio System.

#### **D. FARMERS MARKET UPDATE**

Manzanita Farmers Market Executive Director Kendra Hall will provide an update on the 2024 Market including a short video.

### 5. NEW BUSINESS

#### **A. SHORT TERM RENTAL HOUSEKEEPING AMENDMENTS AND SHORT-TERM RENTAL PROGRAM UPDATE**

Scott Gebhart will be providing an update on some upgrades to the city's Short Term Rental program processes. Staff are also proposing some housekeeping amendments to Ordinance 10-03 that governs short term rentals to allow more time for staff to process periodic inspections, 2nd quarter tax returns and STR renewals. Staff are also proposing to update 10-03 to reference the new Dark Sky Lighting Ordinance and clarify signage requirements.

### 6. OLD BUSINESS

#### **A. PLANNING COMMISSION APPOINTMENT PROCESS**

Staff will be requesting Council to appoint a Council member and a member of the Planning Commission to serve on a selection committee for Planning Commission appointments. Three terms expire at the end of this calendar year. Two commissioners intend to apply, and one will be retiring from the Commission.

## **B. FOREDUNE GRADING MORATORIUM**

Council is asked to make a motion to adopt findings to extend the Moratorium for six months from its current expiration date of September 9, 2024, to continue in effect until expiring on March 8, 2025, 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. This is for the purpose of continuing to make progress toward updating the Comprehensive Plan including Goal 18 that addresses view grading. (see attached Findings in the Council Packet)

## **C. RECOLOGY RATE RESOLUTION**

Recology presented three rate adjustment options to the City of Manzanita's garbage service at the August 7th council meeting, recommending Option 2, a 53% rate adjustment on side yard 32-gallon garbage service customers only, with no other increases. The reason for the recommended rate adjustment is the percentage difference between 32-gallon curbside and side yard services versus 90-gallon curbside and side yard services – 2% versus 53%, respectively. There was consensus from Council to proceed with Option 2. A resolution approving the 53% rate adjustment on side yard 32-gallon garbage service customers is included in the Council packet. If a vote in the affirmative by a majority of the Council present, the resolution will pass and rates will be in effect as of September 1, 2024.

## **D. LOC LEGISLATIVE PRIORITIES**

Each legislative session the League of Oregon Cities (LOC) requests that cities in Oregon review the proposed LOC legislative priorities and provide their list of top 5 priorities. Each member of council review and the city manager reviewed the priorities and provided their top 5. City council discussed the range of priorities identified by council members and city manager and reached consensus on the following top 5 priorities:

1. Infrastructure Funding
2. Lodging Tax Flexibility
3. Restoration of Recreational Immunity
4. Full Funding and Alignment for Housing Production
5. Investment in Community Resiliency and Climate Planning Resources

CITY OF MANZANITA  
August 7, 2024  
CITY COUNCIL REGULAR SESSION

**1. CALL TO ORDER:** The meeting was called to order on August 7, 2024, at 6:01pm at the Pine Grove Community Center by Mayor Kathryn Stock.

**Roll:** Council members present: Kathryn Stock, Linda Kozlowski, Jerry Spegman, Brad Hart, and Tom Campbell. Staff present: City Manager Leila Aman, Public Works Director Dan Weitzel, Police Officer John Garcia, and Assistant City Recorder Nancy Jones. Staff Present via Zoom: Accounting Manager Nina Crist, and Hatfield Fellow Cody Aucoin. Panelist's present: Oregon Parks and Recreation Park Manager Ben Cox, Oregon Parks and Recreation Senior Project Manager Tracy Johnson, Oregon Parks and Recreation District Manager Justin Parker, Recology Government Relations Manager Dan Blue, Recology Operations Manager North Coast Katie Hardesty, Recology General Manager Oregon Chris Carey, and Tillamook Coast Visitors Association Executive Director Nan Devlin. Panelist's present via Zoom: Partners in Design Stephen Schlott, Partners in Design Sharon Mentyka, and Cove Built LLC Jason Stegner.

**2. AUDIENCE PARTICIPATION:** There were 18 people in attendance, 10 attended via zoom, 24 attended via website. There was one public comment.

**3. CONSENT AGENDA:**

- A. APPROVAL OF MINUTES –
  - a. July 10, 2024, City Council Regular Session
  - b. July 10, 2024, City Council Work Session
  
- B. APPROVAL OF BILLS FOR PAYMENT

**A motion was made by Kozlowski, seconded by Campbell, to approve the consent agenda that included approval of the July 10, 2024, Regular Session Minutes; July 10, 2024, 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. INFORMATION:**

**A. City Manager Report -** City Manager Leila Aman  
City Manager Leila Aman shared the following information:  
-City Manager Leila Aman introduced Cody Aucoin and explained that he is from the Hatfield Fellowship program through Portland State University. She communicated that he would work remotely thirty-two hours a week to support the city manager for eight months. Aucoin recently graduated from the University of Oregon with a Master of Public Administration.

- Aman announced that the Public Works Department has hired an Operations Manager. He is currently going through the onboarding process and will be introduced at the next meeting.
- The Comprehensive Plan website is being finalized and will go live in a few weeks. Once the website goes live, there will be a link on the city's website for direct access.
- Aman thanked John Handler and Nichole Dixon for volunteering to spruce up the Manzanita entry way sign.
- The city has received and approved two event permits. One permit is for a guided outing on August 22 that will start at the Visitors Center. The other permit is for a fundraising walk on September 21 that will use the Visitors Center shaded area and restrooms. These events will not need streets blocked off and are not public events.
- Aman announced that the city will receive additional grant money in the amount of \$28,000.00 from the Department of Land Conversation and Development. These funds will pay for the housing ordinance update work.

**B. Nehalem Bay State Park Construction Update – Oregon Parks and Recreation Park Manager Ben Cox and Senior Project Manager Tracy Johnson**

Oregon Parks and Recreation Senior Project Manager Tracy Johnson shared an update on the construction project that is planned for the Nehalem Bay State Park. She said that the park was built in the 1960's and 1970's and is in need of repairs and updating. The park improvements will be funded by a State General Obligation (GO) Bond to rehabilitate existing park infrastructure. She identified the proposed improvements and projects that are scheduled to move forward. She spoke about construction access and announced that the park is scheduled to be closed from October 1, 2024, until June 30, 2025 (subject to change). During the park closure, there will be no public access.

Park Manager, Ben Cox provided his contact information for community members who have questions - [ben.cox@opr Oregon.gov](mailto:ben.cox@opr Oregon.gov)

Allowed for public comment: There were four public comments.

**5. OLD BUSINESS:**

**A. Recology Rate Discussion – Recology Dan Blue**

Recology Government Relations Manager for Northern Oregon Dan Blue presented a proposed rate adjustment to the city of Manzanita's garbage service. He spoke about the yearly rate review process and explained the issues with the 32-gallon side yard service. He stated that the current price difference between the 32-gallon curbside and side yard service is two percent. In comparison, there is a fifty three percent difference in the 90-gallon curbside and side yard service. He presented council with two rate adjustment options. Option one is a 3.9 percent rate increase for all services. Option two is to increase the 32-gallon side yard service by 53 percent and the other services would not be increased this year. He explained that those who are elderly or disabled and are unable to place the garbage can at the curbside should contact Recology for assistance.

There was a consensus from the city council to proceed with option two. A Resolution will be presented to the council at the September 6<sup>th</sup> Regular Session. The proposed increase would be retroactive and go into effect on September 1, 2024.

Allowed for public comment: There were two public comments.

## **6. NEW BUSINESS:**

### **A. Logo and Wayfinding Project Update** – Executive Director of Tillamook Coast Visitors Association Nan Devlin, Partners and Design Sharon Mentyka and Stephen Schott

City Manager Leila Aman spoke about the Destination Management Plan that was completed last year on Wayfinding. She shared accomplishments, improvement opportunities, and the results of the community wide survey and outreach.

Partners and Design Stephen Schott spoke about objectives and goals of a city logo. He talked about the survey results and the influences of logo designs. Schott stated that a good logo should incorporate elements of what the community sees itself resonating with. He presented four possible logo designs for the city and asked council for direction.

There was a consensus of council to move ahead with the fourth option. There will be a community survey to choose the image of the bird on the design of the logo.

### **B. Water Usage Update** - City Manager Leila Aman

City Manager Leila Aman presented a summary of the water usage since the implementation of the new water rates in October 2023. She shared background information and stated that today's presentation is focused on water usage inside the city. She explained the base rate and tier rates; Base Rate - a fixed rate with two units that is paid by all rate payers (one unit equals 1000 gallons). Tier rates- are based on consumption that exceeds the 2-unit allowance of the base rate. She explained the three tiers of units of consumption, broke down each price, shared the number of rate payers, and the average percentages of use by each month.

City Manager Leila Aman revealed that the quarterly rate study is almost complete and is expected to be delivered within the next few weeks. It is planned for council to hold two work sessions to discuss the rate study results. The first meeting will be scheduled for September 11 and the second will be October 16. She said that a consensus of council from these meetings will prepare the city for the outcome of the ballot measure in November.

Allowed for public comment: There was one public comment.

### **C. City Hall Update** - City Manager Leila Aman

Cove Built LLC Jason Stegner provided an update to the city hall construction project and shared an overview of the work that has been completed. He reported that next week framing begins with laying out of the walls. Construction of the studs and walls will begin within the next two weeks and will take approximately two months to complete. Stegner stated that construction is currently one to two weeks ahead of schedule and the budget is holding as predicted as there have been no major surprises.

City Manager Leila Aman shared designs and elements of the new city hall building. The city salvaged wood and light fixtures from the old schoolhouse prior to demolition. The wood is planned to be used on two public-facing walls, and the tear-drop light fixtures will be made into a chandelier for the lobby area.

**D. Classic Street Project Update - City Manager Leila Aman**

City Manager Leila Aman said the city released a Request for Proposal (RFP) last week to hire an engineering firm to begin the Classic Street project. It is planned to bring a recommendation to the city council in mid-September and begin design in October. She stated that the survey work has been completed and the city received a preliminary geotechnical report on the condition of the roadway. The roadway is in better condition than expected, which staff anticipate and hope will lower costs.

**E. Special Event Permit – Muttzanita - City Manager Leila Aman**

City Manager Leila Aman shared information about this annual event and recommended its approval. Muttzanita is scheduled for September 7, 2024, from 10:00am until 3:00pm. It is planned to block off Laneda in front of the Little Apple to the beach for the 10-minute parade.

**A motion was made by Hart to approve the Muttzanita Event Permit. Seconded by Kozlowski; Motion passed Unanimously.**

**7. CITY COUNCIL REPORTS: City Council**

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

**8. INFORMATION AND ADJOURN:**

Manzanita Municipal Court will be held September 13, 2024, and is open to the public.

**Mayor Stock adjourned the meeting at 9:01PM.**

**MINUTES APPROVED THIS  
4<sup>th</sup> Day of September, 2024**



---

Kathryn Stock, Mayor

Attest:

---

Leila Aman, City Manager

**CITY OF MANZANITA**  
**AUGUST 14, 2024**  
**CITY COUNCIL WORK SESSION**

**1. CALL MEETING TO ORDER:** The meeting was called to order on August 14, 2024, at 2:04pm via Zoom by Mayor Kathryn Stock.

**ROLL:** Members present: Kathryn Stock, Linda Kozlowski, Jerry Spegman, Brad Hart, and Tom Campbell. Staff present: City Manager Leila Aman, Accounting Manager Nina Crist, Public Works Director Dan Weitzel, Development Services Manager Scott Gebhart, Hatfield Fellow Cody Aucoin, and Assistant City Recorder Nancy Jones. Panelist present: Short-Term Rental Chair Cheryl Ogburn.

**2. Water Right and Water Management and Conservation Plan Update:** Public Works Director Dan Weitzel  
This agenda item has been deferred and will be presented at a future meeting.

**3. LOC Legislative Priorities:** City Manager Leila Aman

City Manager Leila Aman communicated that the League of Oregon Cities (LOC) is an organization that supports local jurisdictions and lobbying efforts during the legislative session. Every year, a list of legislative priorities is sent to local jurisdictions with a ballot for the city to share their top five priorities with the LOC. Aman provided the list to council and asked them to review it and vote for their top five priorities. Aman presented a matrix of the choices and shared the top four that were chosen by a majority vote; 1- Infrastructure Funding, 2-Lodging Tax Flexibility, 3-Restoration of Recreational Immunity, and 4-Full Funding and Alignment for Housing Production. Mayor Kathryn Stock led a discussion on the remaining top two choices and the last one was chosen. 5-Investment in Community Resiliency and Climate Planning Resources.

**4. Short Term Rental Committee Occupancy Discussion:** Council President Linda Kozlowski, Short-Term Rental Committee Chair Cheryl Ogburn, Short-Term Rental Committee Member Jo Newhouse  
Council President Linda Kozlowski reported that the Short-Term Rental Committee has been working on suggestions for policy alternatives. She provided a history of the work on this subject and said it was driven by the current cap in short-term rental allowances. Kozlowski said today's presentation will be on policy around occupancy for short term rentals and she introduced Cheryl Ogburn.

Short-Term Rental Committee Chair Cheryl Ogburn presented an overview of committee suggestions on short term rental occupancy regulations and limits. She specified that this presentation is a continuation of what was previously presented by the committee in establishing a citywide growth measure and neighbors' proximity density tool. This information will be added to the previous presentation to update the consideration to a three-tiered program. She stated that the current city occupancy policy is two people per bedroom plus four. She introduced a proactive recommendation from the committee to update the occupancy policy to two people per bedroom plus two, with a citywide maximum of fourteen. Ogburn also presented two options to council regarding an Addendum to Proximity; 1-An STR home having five or more bedrooms would count as two homes in the proximity radius, and 2-In addition to the five-home proximity radius, establish a maximum number of radius occupancy at fifty. She revealed that option one is preferred by the Short-Term Rental Committee.

**5. Adjourn:** Mayor Stock adjourned the meeting at 3:07pm.

**MINUTES APPROVED THIS  
4<sup>th</sup> Day of September 2024**

---

Kathryn Stock, Mayor

Attest:

---

Leila Aman, City Manager



## BILLS FOR APPROVAL OF PAYMENT

From 08/01/24 - 08/31/24

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
HASCO (FUEL)	\$2,024.19		\$1,290.75	\$188.14		\$21.47		\$107.37	\$115.84	\$300.62
KLOSH (OWNERS REP.)	\$3,259.61						\$3,259.61			
LARRY BLAKE (MUNI JUDGE)	\$400.00				\$400.00					
MANZ LUMBER (MTRLS & SUPP.)	\$46.45							\$11.95		\$34.50
MARK WHITTEN (ARBORIST)	\$1,700.00					\$1,700.00				
MILLER NASH (CITY ATTORNEY)	\$29,025.50	\$29,025.50								
NANCY JONES (STAFF REIMB.)	\$31.32	\$31.32								
NB READY MIX (MTRLS & SUPP.)	\$620.00									\$620.00
NBWW (SEWER UTILITY)	\$714.00	\$84.00	\$84.00	\$84.00		\$378.00				\$84.00
NEH LUMBER (MTRLS & SUPP.)	\$13.37									\$13.37
NW HYDROVAC (MTRLS & SUPP.)	\$741.19									\$741.19
OFFSHORE GRILL (COFFEE W COUNC.)	\$434.40	\$434.40								
ONE CALL (LOCATE FEES)	\$22.35									\$22.35
ONE ELEVEN (IT SERVICES)	\$4,060.00	\$4,030.00								\$30.00
ONE ELEVEN (EQUIPMENT)	\$3,244.80	\$3,244.80								
OR. DEPT REV (FINES & ASSMNTS.)	\$653.23				\$653.23					

## BILLS FOR APPROVAL OF PAYMENT

From 08/01/24 - 08/31/24

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
PACIFIC ALARM (ALARM SERVICE)	\$348.00									\$348.00
PACIFIC OFFICE (PSTG & COPIER)	\$135.00	\$101.25								\$33.75
PSU (INTERN)	\$15,622.00	\$15,622.00								
RHINO ONE (GEOTECH)	\$1,710.96						\$1,710.96			
RTI (PHONE SERVICE)	\$494.81	\$96.04	\$98.50							\$300.27
SCOVEL INK (UNIFORM)	\$180.60			\$180.60						
STATE OF WA. (RECORDS REQUEST)	\$0.08				\$0.08					
STEP FORWARD (MTRLS & SUPP.)	\$2,582.99								\$2,582.99	
SWEET SEPTIC (PORTABLE TOILETS)	\$295.00								\$295.00	
TILL. PAYABLE (FINES & ASSMNTS.)	\$193.04				\$193.04					
TCVA (VC COORD.)	\$4,593.51								\$4,593.51	
TPUD (ELECTRICITY)	\$3,767.52	\$176.37	\$125.67			\$96.32		\$609.00	\$113.26	\$2,646.90
US BANK (CITY VISA)	\$4,394.06	\$992.38	\$160.80						\$258.48	\$2,982.40
VALVOLINE (VEHICLE MAINT.)	\$94.98		\$94.98							
VERIZON (TELEPHONE)	\$1,228.60	\$294.58	\$354.02	\$114.98					\$64.99	\$400.03
WALTER NELSON (MTRLS & SUPP.)	\$709.20								\$709.20	

# BILLS FOR APPROVAL OF PAYMENT

From 08/01/24 - 08/31/24

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
WALTER WEND. (CITY PLANNER)	\$300.00	\$300.00								
WA FED (UNDERHILL LOAN)	\$77,666.22	\$77,666.22								
<b>TOTALS</b>	<b>\$444,876.78</b>	<b>\$145,974.49</b>	<b>\$2,338.70</b>	<b>\$567.72</b>	<b>\$3,658.90</b>	<b>\$2,195.79</b>	<b>\$244,738.67</b>	<b>\$7,487.27</b>	<b>\$8,858.24</b>	<b>\$29,057.00</b>



City of Manzanita

## **PROCLAMATION**

**WHEREAS**, Preparedness Month 2024 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 citizens of the 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, 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 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 2024 will increase the number of citizens 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 citizen, and all citizens 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; and

**NOW, THEREFORE**, I, Kathryn Stock, Mayor of the City of Manzanita, a municipal corporation in the County of Tillamook, in the State of Oregon, do hereby proclaim September 2024 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 4th day of September 2024.



---

Kathryn Stock, Mayor

ATTEST:

---

Leila Aman, City Manager / Recorder



# City of Manzanita

**To:** Mayor and City Council

**Date Written:** August 13, 2024

**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 a Moratorium on view grading as defined in the Manzanita Zoning Ordinance 95-4, Section 3.085.6.

On February 10, 2023, at least 14 days prior to the public hearing to extend the Moratorium for a period of six months, 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 8, 2023. Meg Reed, Ocean Shores Specialist, DLCD, provided the City with a response indicating that the notice was sufficient on February 14, 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 public hearing to be held to consider the extension of the Moratorium, the City provided written notice to DLCD. This notice was provided via email to Brett Estes, North Coast Regional Representative, DLCD, and Meg Reed, Ocean Shores Specialist, DLCD. 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.

On February 12, 2024, at least 14 days prior to the public hearing to be held to consider the extension of the Moratorium, the City provided written notice to DLCD. This notice was provided via email to Brett Estes, North Coast Regional Representative, DLCD, and Meg Reed, Ocean Shores Specialist, DLCD. Staff was provided with an email response from Ms. Reed on February 12, 2024, indicating receipt of the notice. On March 6, 2024, the City held a public hearing.

On August 13, 2024, at least 14 days prior to the public hearing to be held to consider the extension of the Moratorium, the City provided written notice to DLCD. This notice was provided via email to Brett Estes, North Coast Regional Representative, DLCD, and Meg Reed, Ocean Shores Specialist, DLCD. Staff was provided with an email response from Ms. Reed on August 16, 2024 indicating receipt of the notice. On September 4, 2024, 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, 2024, and continue in effect until expiring on March 8, 2025, 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 consultant to update the Comprehensive Plan including Goal 18 that addresses view grading. The Fiscal Year 2023-2024 budget includes sufficient approved resources to update the Comprehensive Plan. The Comprehensive Plan process commenced with the first meeting of the Public Advisory Steering Committee meeting held on July 31, 2024. Goal 18 will be reviewed and updated as part of the update which is currently expected to be in the adoption phase by the end of 2025.

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



City of Manzanita

**COUNCIL RESOLUTION No. 24-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANZANITA, OREGON, APPROVING SOLID WASTE COLLECTION RATES**

**WHEREAS**, Ordinance 21-03 granted a non-exclusive franchise to Recology Western Oregon Inc, to collect and dispose of solid waste within the City of Manzanita, Oregon; and

**WHEREAS**, Section 6 of Ordinance 21-03 provides that all charges made by the Franchisee shall conform to the schedule of rates and charges approved by the Council by Resolution, and the Council may modify this schedule of rates and charges by Resolution; and

**WHEREAS**, Recology Western Oregon, Inc. has requested that the 32-gallon side yard rates be adjusted to reflect the same differential as the 90 gallon side yard rate resulting in an increase of 53% for the 32- gallon side the yard rates only; and

**WHEREAS**, Recology Western Oregon, Inc has proposed no other rate changes for the current year; and

**WHEREAS**, the City Council and City Manager have reviewed the request and find it to be reasonable.

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

Effective September 1, 2024, the Recology Western Oregon Inc Proposed Rate Schedule contained in Attachment A attached hereto and by this reference incorporated herein is hereby adopted.

Introduced and adopted by the City Council on \_\_\_\_\_.

This resolution is effective on \_\_\_\_\_.

Kathryn Stock, Mayor

\_\_\_\_\_

ATTEST:

---

Leila Aman, City Manager/ City  
Recorder

## ATTACHMENT A

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
------	-------------	--------------	-------	----------	----------

### CART SERVICES - CURBSIDE

CURBSIDE: WITHIN 4 FEET OF THE CURB OR ROAD, AND AWAY FROM ALL CARS, MAIL BOXES, OR OTHER ITEMS.

#### **32 GALLON CART SERVICE**

#### **MONTHLY RATES**

32GWC	32G CART-CURB	\$ 27.02	0.00%	\$ -	\$ 27.02
32GEC	32G CART EOW-CURBSIDE	\$ 17.57	0.00%	\$ -	\$ 17.57
32GMC	32G CART MONTHLY-CURB	\$ 9.47	0.00%	\$ -	\$ 9.47
OC3C	32 GAL CART ON CALL CURB	\$ 9.47	0.00%	\$ -	\$ 9.47
	EACH ADDITIONAL - SAME RATE				

#### **90 GALLON CART SERVICE**

#### **MONTHLY RATES**

90GWC	90G CART-CURB	\$ 45.05	0.00%	\$ -	\$ 45.05
90GEC	90G CART EOW-CURB	\$ 29.27	0.00%	\$ -	\$ 29.27
90GMC	90G CART OAM-CURB	\$ 15.76	0.00%	\$ -	\$ 15.76
OC9C	90 GAL CART ON CALL CURB	\$ 15.76	0.00%	\$ -	\$ 15.76
	EACH ADDITIONAL - SAME RATE				

#### **MONTHLY CART RENT (FOR ON-CALL SERVICE)**

90GOC	90G CART WILL CALL-CURB	\$ 2.84	0.00%	\$ -	\$ 2.84
-------	-------------------------	---------	-------	------	---------

#### **SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTI**(C/S = Curbside)

#### **RATE PER EACH**

SP32C	SPEC P/U 32G CART C/S	\$ 9.47	0.00%	\$ -	\$ 9.47
SP90C	SPEC P/U 90G CART C/S	\$ 15.76	0.00%	\$ -	\$ 15.76

### CART SERVICES - NON-CURBSIDE (SIDEYARD)

NON-CURBSIDE: VISIBLE FROM THE STREET, OUTSIDE OF GARAGES AND FENCED AREAS.

#### **32 GALLON CART SERVICE**

#### **MONTHLY RATES**

32GWS	32G CART-SIDE	\$ 27.56	53.00%	\$ 14.61	\$ 42.17
32GES	32G CART EOW-SIDEYARD	\$ 17.91	53.00%	\$ 9.49	\$ 27.40
32GMS	32G CART MONTHLY-SIDE	\$ 9.66	53.00%	\$ 5.12	\$ 14.78
OC3S	32 GAL CART ON CALL SIDE	\$ 9.66	53.00%	\$ 5.12	\$ 14.78
	EACH ADDITIONAL - SAME RATE				

#### **90 GALLON CART SERVICE**

#### **MONTHLY RATES**

90GWS	90G CART-SIDE	\$ 69.05	0.00%	\$ -	\$ 69.05
90GES	90G CART EOW-SIDE	\$ 44.92	0.00%	\$ -	\$ 44.92
90GMS	90G CART OAM-SIDE	\$ 24.16	0.00%	\$ -	\$ 24.16
OC9S	90 GAL CART ON CALL SIDE	\$ 24.16	0.00%	\$ -	\$ 24.16
	EACH ADDITIONAL - SAME RATE				

#### **MONTHLY CART RENT (FOR ON-CALL SERVICE)**

90GOS	90G CART WILL CALL-SIDE	\$ 2.84	0.00%	\$ -	\$ 2.84
-------	-------------------------	---------	-------	------	---------

#### **SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTI**(NON C/S = Non-Curbside)

#### **RATE PER EACH**

SP32S	SPEC P/U 32G CART NON C/S	\$ 9.66	0.00%	\$ -	\$ 9.66
SP90S	SPEC P/U 90G CART NON C/S	\$ 24.16	0.00%	\$ -	\$ 24.16

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
------	-------------	--------------	-------	----------	----------

**OTHER SERVICES & FEES**

<b>EXTRAS - PER UNIT CHARGES (APPROX. 32 GALLONS PER UNIT)</b>					<b>RATE PER EACH</b>
XBAG	EXTRA BAG(S)	\$ 7.11	0.00%	\$ -	\$ 7.11
XBOX	EXTRA BOX	\$ 7.11	0.00%	\$ -	\$ 7.11
XCAN	EXTRA CAN(S)	\$ 7.11	0.00%	\$ -	\$ 7.11
XMISC	EXTRA MISC	\$ 7.11	0.00%	\$ -	\$ 7.11
X32	EXTRA 32G CART(S)	\$ 7.11	0.00%	\$ -	\$ 7.11
X90	EXTRA 90G CART(S)	\$ 11.28	0.00%	\$ -	\$ 11.28

**BULKY ITEM COLLECTION (SVC CHARGE + CHARGE PER ITEM)**

RATES LISTED ARE FOR COLLECTION AT CURB. ADDITIONAL CHARGES MAY APPLY FOR RETRIEVAL.					<b>RATE PER EACH</b>
APF	REFRIGERATOR/FREEZER	\$ 54.24	0.00%	\$ -	\$ 54.24
APPL	APPLIANCE	\$ 12.05	0.00%	\$ -	\$ 12.05
FURN	FURNITURE CHARGE	\$ 18.08	0.00%	\$ -	\$ 18.08
TREE	EXTRA CHRISTMAS TREE	\$ 14.25	0.00%	\$ -	\$ 14.25
IRSC	IN ROUTE SERVICE CHARGE	\$ 21.33	0.00%	\$ -	\$ 21.33
SC	SERVICE CHARGE	\$ 48.53	0.00%	\$ -	\$ 48.53

<b>RELATED FEES</b>					<b>RATE PER EACH</b>
CRIR	CART REDELIVERY IN ROUTE	\$ 10.50	0.00%	\$ -	\$ 10.50
CROR	CART REDELIVER OUT OF ROUTE	\$ 21.00	0.00%	\$ -	\$ 21.00
CORDF	CONTAINER RE-DELIVERY FEE	\$ 48.53	0.00%	\$ -	\$ 48.53

Note: Re-Delivery fees apply for resume service after suspend.

					<b>RATE PER EACH</b>
CCF	CART CLEANING FEE	\$ 10.50	0.00%	\$ -	\$ 10.50
CRF	CART REPLACEMENT FEE	\$ 68.25	0.00%	\$ -	\$ 68.25

Note: Replacement fee is used for loss/damage beyond normal wear and tear.

					<b>RATE PER EACH</b>
RF	REINSTATEMENT FEE	\$ 15.00	0.00%	\$ -	\$ 15.00
NSFCF	RETURNED CHECK FEE	\$ 25.00	0.00%	\$ -	\$ 25.00

**FRONT-LOAD CONTAINER SERVICE**

<b>1 YARD CONTAINERS</b>					<b>MONTHLY RATES</b>
1GW	1YD TRASH	\$ 151.33	0.00%	\$ -	\$ 151.33
1GE	1YD TRASH EOW	\$ 89.10	0.00%	\$ -	\$ 89.10
1GM	1YD TRASH MONTHLY	\$ 55.62	0.00%	\$ -	\$ 55.62
1OC	ON CALL-1YD TRASH	\$ 31.63	0.00%	\$ -	\$ 31.63
1XP	EXTRA PICK UP-1YD TRASH	\$ 31.63	0.00%	\$ -	\$ 31.63

<b>1.5 YARD CONTAINERS</b>					<b>MONTHLY RATES</b>
1HGW	1.5YD TRASH	\$ 189.28	0.00%	\$ -	\$ 189.28
1HGE	1.5YD TRASH EOW	\$ 108.08	0.00%	\$ -	\$ 108.08
1HGM	1.5YD TRASH MONTHLY	\$ 63.98	0.00%	\$ -	\$ 63.98
1HOC	ON CALL-1.5YD TRASH	\$ 41.24	0.00%	\$ -	\$ 41.24
1HXP	EXTRA PICK UP-1.5YD TRASH	\$ 41.24	0.00%	\$ -	\$ 41.24

<b>2 YARD CONTAINERS</b>					<b>MONTHLY RATES</b>
2GW	2YD TRASH	\$ 227.25	0.00%	\$ -	\$ 227.25
2GE	2YD TRASH EOW	\$ 127.06	0.00%	\$ -	\$ 127.06
2GM	2YD TRASH MONTHLY	\$ 73.16	0.00%	\$ -	\$ 73.16
2OC	ON CALL-2YD TRASH	\$ 50.89	0.00%	\$ -	\$ 50.89
2XP	EXTRA PICK UP-2YD TRASH	\$ 50.89	0.00%	\$ -	\$ 50.89



CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
------	-------------	--------------	-------	----------	----------

**3 YARD CONTAINERS**

**MONTHLY RATES**

3GW	3YD TRASH	\$ 303.14	0.00%	\$ -	\$ 303.14
3GE	3YD TRASH EOW	\$ 165.01	0.00%	\$ -	\$ 165.01
3GM	3YD TRASH MONTHLY	\$ 90.68	0.00%	\$ -	\$ 90.68
3OC	ON CALL-3YD TRASH	\$ 70.19	0.00%	\$ -	\$ 70.19
3XP	EXTRA PICK UP-3YD TRASH	\$ 70.19	0.00%	\$ -	\$ 70.19

**4 YARD CONTAINERS**

**MONTHLY RATES**

4GW	4YD TRASH	\$ 379.07	0.00%	\$ -	\$ 379.07
4GE	4YD TRASH EOW	\$ 202.99	0.00%	\$ -	\$ 202.99
4GM	4YD TRASH MONTHLY	\$ 108.23	0.00%	\$ -	\$ 108.23
4OC	ON CALL-4YD TRASH	\$ 89.48	0.00%	\$ -	\$ 89.48
4XP	EXTRA PICK UP-4YD TRASH	\$ 89.48	0.00%	\$ -	\$ 89.48

**5 YARD CONTAINERS**

**MONTHLY RATES**

5GW	5YD TRASH	\$ 454.99	0.00%	\$ -	\$ 454.99
5GE	5YD TRASH EOW	\$ 240.93	0.00%	\$ -	\$ 240.93
5GM	5YD TRASH MONTHLY	\$ 125.76	0.00%	\$ -	\$ 125.76
5OC	ON CALL-5YD TRASH	\$ 108.73	0.00%	\$ -	\$ 108.73
5XP	EXTRA PICK UP-5YD TRASH	\$ 108.73	0.00%	\$ -	\$ 108.73

**6 YARD CONTAINERS**

**MONTHLY RATES**

6GW	6YD TRASH	\$ 530.89	0.00%	\$ -	\$ 530.89
6GE	6YD TRASH EOW	\$ 278.90	0.00%	\$ -	\$ 278.90
6GM	6YD TRASH MONTHLY	\$ 143.28	0.00%	\$ -	\$ 143.28
6OC	ON CALL-6YD TRASH	\$ 128.04	0.00%	\$ -	\$ 128.04
6XP	EXTRA PICK UP-6YD TRASH	\$ 128.04	0.00%	\$ -	\$ 128.04

**8 YARD CONTAINERS (NO NEW CUSTOMERS AT THIS SIZE DUE TO SAFETY ISSUES)**

**MONTHLY RATES**

8GW	8YD TRASH	\$ 623.16	0.00%	\$ -	\$ 623.16
8GE	8YD TRASH EOW	\$ 325.00	0.00%	\$ -	\$ 325.00
8GM	8YD TRASH MONTHLY	\$ 164.59	0.00%	\$ -	\$ 164.59
8OC	ON CALL-8YD TRASH	\$ 151.48	0.00%	\$ -	\$ 151.48
8XP	EXTRA PICK UP-8YD TRASH	\$ 151.48	0.00%	\$ -	\$ 151.48

**CONTAINER MONTHLY RENT (CHARGED TO WILL-CALL CUSTOMERS, SAME FOR ALL SIZES)**

RNT1	1YD RENT - TRASH	\$ 21.00	0.00%	\$ -	\$ 21.00
------	------------------	----------	-------	------	----------

**FRONT-LOAD COMPACTOR RATE FACTORS** - For all compacted material, including pre-compacted waste.

Compactor Rating	<b>4 : 1</b>	<b>3 : 1</b>	<b>2 : 1</b>
Factor applied to container rate of same size	1.5	1.3	1.12

**DEBRIS BOX SERVICES**

**SET HAUL FEES (BASED ON AVERAGE TRUCK TIMES)**

**RATE PER HAUL**

DEL	DELIVERY CHARGE	\$ 48.52	0.00%	\$ -	\$ 48.52
10HG	10 YD TRASH BOX HAUL	\$ 245.19	0.00%	\$ -	\$ 245.19
20HG	20 YD TRASH BOX HAUL	\$ 245.19	0.00%	\$ -	\$ 245.19
30HG	30 YD TRASH BOX HAUL	\$ 245.19	0.00%	\$ -	\$ 245.19
47HG	47 YD TRASH BOX HAUL	\$ 245.19	0.00%	\$ -	\$ 245.19
40CG	COMPACTOR HAUL FEE (ALL SIZES)	\$ 286.43	0.00%	\$ -	\$ 286.43

CODE	DESCRIPTION	CURRENT RATE	INC %	INC \$\$	NEW RATE
<b>DEBRIS BOX DISPOSAL FEES (\$\$/TON)</b>		<b>RATE PER TON</b>			
DFDM	DISPOSAL FEE - DEMOLITION	\$ 107.72	0.00%	\$ -	\$ 107.72
DFG	DISPOSAL FEE - GARBAGE	\$ 107.72	0.00%	\$ -	\$ 107.72
DFWD	DISPOSAL FEE - WOOD	\$ 58.80	0.00%	\$ -	\$ 58.80
DFYD	DISPOSAL FEE - YARD DEBRIS	\$ 89.49	0.00%	\$ -	\$ 89.49

Note: Recycling ton fees will be equal to or less than trash fees, based on current market pricing.

<b>RELATED FEES</b>		<b>RATE PER DAY</b>			
RENTD	DAILY RENTAL FEE	\$ 15.07	0.00%	\$ -	\$ 15.07

Note: Daily Rent applies after 48 hours, excluding evenings and weekends.

		<b>RATE PER MONTH</b>			
RENTM	MONTHLY RENTAL FEE	\$ 135.08	0.00%	\$ -	\$ 135.08

Note: Monthly rent applies for customers who keep a box for a year or longer.

		<b>RATE PER HOUR</b>			
TIME	TRUCK TIME FEE	\$ 127.68	0.00%	\$ -	\$ 127.68
1T1E	1 TRUCK - 1 EMPLOYEE	\$ 127.68	0.00%	\$ -	\$ 127.68
1T2E	1 TRUCK - 2 EMPLOYEES	\$ 191.54	0.00%	\$ -	\$ 191.54

Note: Hourly Truck Time is used for hauls to destinations outside our normal operating areas.

<b>TEMPORARY RENTAL CONTAINERS</b>		<b>RATE PER EACH</b>			
3YRGD	DELV 3 YD RENTAL FOR TRASH	\$ 28.20	0.00%	\$ -	\$ 28.20
3YRGP	SERVICE 3 YD RENTAL FOR TRASH	\$ 98.25	0.00%	\$ -	\$ 98.25
3YRXD	ADDL DAY - 3YD RENT CONTAINER	\$ 2.10	0.00%	\$ -	\$ 2.10

Note: Temporary = not longer than 30 days, with 45 days between projects. Rent included for first 7 days.

**BULKY ITEMS - DEBRIS BOX**

STANDARD FEES APPLY FOR THESE ITEMS IF DECLARED & SEPARATED ACCORDING TO INSTRUCTIONS. ADDITIONAL FEES MAY APPLY FOR ITEMS FOUND IN LOADS.

		<b>RATE PER EACH</b>			
TOFFR	TIRE CHARGE NO RIM	\$ 4.81	0.00%	\$ -	\$ 4.81
TONR	TIRE CHARGE ON RIM	\$ 9.63	0.00%	\$ -	\$ 9.63
TTNR	TRUCK TIRES NO RIM	\$ 12.05	0.00%	\$ -	\$ 12.05
TTWR	TRUCK TIRES WITH RIM	\$ 24.11	0.00%	\$ -	\$ 24.11
APPL	APPLIANCE	\$ 12.05	0.00%	\$ -	\$ 12.05
APF	REFRIGERATOR/FREEZER	\$ 54.24	0.00%	\$ -	\$ 54.24

<b>MEDICAL WASTE COLLECTION SERVICES</b>		<b>RATE PER EACH</b>			
M4HSC	4.7 QT SHARPS CONTAINER	\$ 26.81	0.00%	\$ -	\$ 26.81
M10SC	10 QT SHARPS CONTAINER	\$ 30.32	0.00%	\$ -	\$ 30.32
M23SC	23 QT SHARPS CONTAINER	\$ 53.97	0.00%	\$ -	\$ 53.97
9CDBC	9GAL CONFIDENTIAL DOCUMENT BOX	\$ 34.30	0.00%	\$ -	\$ 34.30
M21BX	21 GAL MEDICAL WASTE BOX	\$ 45.12	0.00%	\$ -	\$ 45.12
M48BX	48 GAL MEDICAL WASTE BOX	\$ 51.59	0.00%	\$ -	\$ 51.59

M8GBP	RX MED WASTE TUB	\$ 102.34	0.00%	\$ -	\$ 102.34
-------	------------------	-----------	-------	------	-----------

Note: Additional fees may apply for overweight tubs. Improperly prepared materials cannot be collected.

Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount (excluding amounts in dispute over billing or service issues).

Billing Terms: Commercial Accounts are billed on a monthly basis.