



CITY OF MANZANITA

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OTHER LAND USE APPLCATIONS

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:	

Email application to: planning@ci.manzanita.or.us

Subdivision- \$2,250

Conditional Use- \$1,200

Site Plan Review- \$1,000

Zone Change- \$4,000

Annexation- \$2,500

Appeal- \$500

(A 5% Tech Fee will be added)

July 1, 2024



March 10, 2025

City of Manzanita City Council
PO BOX 129
Manzanita, OR 97130

Notice of Land Use Appeal

Name of Person Filing Appeal:
Rogue Planning & Development Services, LLC
Amy Gunter
1314-B Center Drive, PMB#457
Medford, OR 97501

Manzanita Zoning Ordinance #95-4
Article 10; Section 10.160 Requirements of a Request for Appeal of a Planning Commission Decision.

An appeal of a Design Review Board or Planning Commission decision shall contain the following:

A. An identification of the decision sought to be reviewed, including the date of the decision.

Decision Being Appealed:
Planning File #25001
Planned Unit Development (PUD) for a 60-unit affordable, multi-family housing project
03N10W28; TL1401 (1403)

Date of Decision:
February 18, 2025

B. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.

Standing:
Provided written comment submitted to the city of Manzanita before the February 17, 2025, Planning Commission Public Hearing or reside within the notice area:
Parties to the Appel – all within the notice area:
Stephen and Cerisa Albrechtsen
Jennifer H. Allen

1314-B Center Drive, PMB#457
Medford, OR 97501

www.rogueplanning.com

amygunter@rogueplanning.com



B. Wayne Cuscombe
Robin Jeannine Johnson
Jonathan Scott Craig
James Fredrick Olsen
Andre' P. Lorincz
Thomas Keough
Douglas J. Keough
Paula Schulz
Pax TW Broder
Plerpit Duyn
Mary Cathleen Silver
Daniel C. Silver
Sharon L. Parker
David J. Parker

C. The specific grounds relied upon for review, including a statement that the criteria against which review is being requested were addressed at the Design Review Board or Planning Commission hearing.

Specific Grounds for Appeal:

- 1) The Manzanita Planning Commission failed to follow procedures of Manzanita Zoning Ordinance #95-4; Article 10, Section 10.110. Nature of Proceedings.

10.110.B.7. At the conclusion of the public hearing, a participant in the public hearing may request that the record remain open for at least 7 days for the purpose of submitting additional evidence. Such a request may only be made at the first de-novo hearing held in conjunction with a permit application or zoning ordinance text or map amendment. Whenever the record is supplemented in this manner, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue. This extension of time shall not be counted as part of the 120 day limit in Section 10.220.

- 2) The Manzanita Planning Commission failed to continue the public hearing or continue the public comment period but close the hearing as directed by Oregon Revised Statutes (ORS 197.797 (6.a)). Prior to the conclusion of the initial evidentiary hearing, it was requested in writing and at the hearing that the record be left open for the participants to present additional evidence, arguments or testimony regarding the application.



ORS 197.797. 6.a. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (b) of this subsection or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (c) of this subsection.

- 3) The Manzanita Planning Commission failed to require a Variance review from Article 8, to reduce the front yard setback to 10 feet.

The minimum front yard setback is 20 feet and allowed to be reduced through Manzanita Zoning Ordinance Section 3.030.4.b.

3.03.4.b (b) Standards other than density in the SR-R zone shall conform to those established in the R-3 zone (Section 3.020) except that the Planning Commission may authorize relaxation of these standards to permit flexibility in design such as cluster development, with respect to lot size, setbacks and lot coverage, but not use.

SB1537 allows for up to a 10 percent reduction in the front yard setback as an administrative approval.

The approved 10-foot setback is in violation of Manzanita Zoning Ordinance #95-4; Article 3, Section 3.020.3.d. and in excess of 10 percent as allowed in SB1537.

3.020.3.d. The minimum front yard shall be 20 feet, or the average setback of buildings within 100 feet of both sides of the proposed building on the same side of the street, whichever is less...In no case shall the front yard setbacks be less than 12 feet.

- 4) The Manzanita Planning Commission failed to require a Variance review from Article 8, to exceed maximum building height from Manzanita Zoning Ordinance #95-4, Article 3; Section 3.020.3.f.

3.020.3.f. The maximum building or structure height shall be 28 feet, 6 inches. However, if more than one-half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building or structure.



The maximum building height does not appear to be allowed to be reduced through Manzanita Zoning Ordinance #95-4, Article 3, Section 3.030.4.b.

3.03.4.b (b) Standards other than density in the SR-R zone shall conform to those established in the R-3 zone (Section 3.020) except that the Planning Commission may authorize relaxation of these standards to permit flexibility in design such as cluster development, with respect to lot size, setbacks and lot coverage, but not use.

Senate Bill (SB) 1537 allows for relaxing the standards for building height by up to 20 percent. The proposal seeks an increase in height of more than 30 percent. The property is also 3 – 6 feet higher than the residential properties to the east, exacerbating the increased height. A 30 percent increase in height is in excess of the standards permitted in the Manzanita Zoning Ordinance and as directed through the recent passage of SB1537.

- 5) The Manzanita Planning Commission failed to provide adequate findings to address the approved reduction in vehicle parking spaces. Manzanita Zoning Ordinance #95-4; Article 4, Section 4.090 Off-Street Parking Requirements, two parking spaces are required per dwelling unit for a total of 120 automobile parking spaces. There are 96 spaces proposed, a 20 percent reduction in the required number of automobile parking spaces.

SB1537 allows for a reduction in parking minimums, there are no criteria or processes within the Manzanita Zoning Ordinance #95-4 as to how the local government will implement the reductions allowed in SB1537.

Loop Road along the frontage of the property appears to have a 20-foot wide right of way. This is less than the required width of a Fire Apparatus Access Road per Tillamook County, Fire Code, Section 3; Fire Apparatus Access Roads are required to be 26 feet wide for buildings over 30-feet in height.

Loop Road appears to consist of two 10-foot travel lanes without pedestrian or bicyclist amenities and no on-street parking for vehicles of guests, or overflow from the residential parking area. The lack of pedestrian and bicycle amenities do not provide for safe pedestrian or bicycle routes to the adjacent public rights of way which also lack pedestrian and bicycle amenities to justify reduction in both fire apparatus access and automobile parking.



D. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed Section 10.190.

A de novo review is requested.

Manzanita Zoning Ordinance #95-4

Article 10; Section 10.190, Review Considering of Additional Evidence of De Novo Review.

A. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing. The reviewing body shall grant a request for a new hearing only where it finds that:

1. The additional testimony or other evidence could not reasonable have been presented at the prior hearing; or

Additional testimony or other evidence could not reasonably have been presented at a prior meeting as the Manzanita Planning Commission did not follow hearing procedures in accordance with Manzanita Zoning Ordinance #95-4, Article 10, Section 10.110. Nature of Proceedings, nor did the Manzanita Planning Commission follow Oregon Revised Statutes 197.797.6.a.

2. A hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action; and

A hearing is necessary to fully and property evaluate the significant issues relevant to the proposed development as outlined in the Specific Grounds for Appeal listed on the previous pages.

3. The hearing is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

The requesting party was denied the opportunity to present evidence as allowed by local and state statutes.

Thank you for your consideration.

Sincerely,

Amy Gunter

Rogue Planning & Development Services, LLC