



March 27, 2025

Dana L. Krawczuk
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**VIA E-MAIL (LAMAN@CI.MANZANITA.OR.US;
SGEBHART@CI.MANZANITA.OR.US))**

Leila Aman, City Manager
Scott Gebhart, Planning & Building
City of Manzanita
167 S. 5th Street
P.O. Box 129
Manzanita, OR 97130

Re: Appeal of Manzanita Pines (Planning File No. 25001): First Open Record Period

Dear Leila and Scott:

We have been retained in connection with the recent appeal of the Planning Commission's decision on February 18, 2025 (the "Decision"), to approve a Planned Unit Development application to construct a 60-unit affordable, multi-family housing project (the "Project"). The Project is in the Special Residential/Recreational (SR-R) zone and is commonly referred to as "Manzanita Pines." Please include this letter in the record of the above referenced application.

We have reviewed the appeal of the Decision filed on March 10, 2025, by Amy Gunter at Rogue Planning & Development Services, LLC, on behalf of several individuals (the "Appeal").

Simply stated, there is no basis to deny the Project. The issues raised in the Appeal are without merit. As detailed below:

- **Procedural items:** the alleged procedural errors are mooted by the Council's de novo review; and
- **Development standards:** state law requires that the adjustments to building height and parking requirements be approved. The requested setback adjustment is allowed through the planned development process; no variance is required.

We believe that it is important to be transparent about an appellant's financial consequences if this Project is appealed to the Oregon Land Use Board of Appeals ("LUBA"). In response to the housing crisis, state law was recently changed to discourage meritless appeals of affordable housing developments. State law now provides that if an affordable housing approval is appealed to LUBA and the local approval is affirmed, then LUBA "shall award attorney fees" to both the Project applicant and City, with covered attorney fees including "prelitigation legal

expenses, including preparing and processing the application and supporting the application in local land use hearings or proceedings.” ORS 197.843(4)(b).

If the approved Project is appealed to LUBA and the approval is affirmed, which we expect because there is no legal basis for remanding or reversing the Project, then the LUBA appellants will be required to pay all of the City’s and applicant’s legal fees. The amount of the attorney fees will depend upon the amount of time the law firms hired by the City and applicant must spend processing the Project application and defending the appeal, but in my experience, the combined legal fees would be tens of thousands of dollars.

Alleged Procedural Errors are Moot

The Appeal asserts two procedural errors, both of which relate to appellants’ request to leave open the record or continue the public hearing held before the Planning Commission. On March 18, 2025, the City Council voted unanimously to hold a de novo hearing on the Appeal. The City Council’s de novo hearing will allow admission of new evidence and testimony, thereby curing the alleged procedural defect before the Planning Commission. As such, the procedural errors raised in the Appeal are moot.

Development Standards

The only remaining errors identified in the Appeal relate to three development standards: front yard setbacks, maximum building height, and minimum parking. As indicated in the following table, each of these standards is subject to adjustment pursuant to one or both of Senate Bill (“SB”) 1537¹ and Manzanita Zoning Ordinance (“MZO”) 3.030(4)(b).

Development Standard	Adjustment Standard	
	<i>SB 1537</i>	<i>MZO 3.03(4)(b)</i>
Front Yard Setback		X
Maximum Building Height	X	X
Minimum Parking	X	

SB 1537 establishes mandatory adjustments for building height and parking, which the Planning Commission was required to apply to the Project. Similarly, MZO 3.030(4)(b) expressly authorizes the Planning Commission to “relax[]” development standards, including building setbacks and building height, to “permit flexibility in design.” **In short, each of the adjustments applied to the Project by the Planning Commission are either required by state law or within the Commission’s sole discretion to provide.**

As outlined below, SB 1537 and MZO 3.03(4)(b) allow all requested adjustments to development standards for the Project, and there are no grounds for denying approval of the Project.

¹ Or Laws 2024, ch 110 § 38 (SB 1537).

SB 1537 – Mandatory Adjustments

SB 1537 was adopted by the Oregon State Legislature and signed into law in 2024. Section 38 of SB 1537, referred to as the “mandatory adjustment” provision, requires the City to grant adjustments to specific development and design standards for qualifying housing projects. There is no dispute that the mandatory adjustment requirements in SB 1537 apply to the Project.²

As relevant here, SB 1537 requires the City to make the following adjustments for maximum building height and parking:

Standard	SB 1537 – Mandatory Adjustment
Maximum Building Height	Must allow an adjustment up to the greater of “one story” or 20% of the base zone height.
Minimum Parking	Must be eligible for full adjustment.

Applying those standards, and as further discussed below, SB 1537 requires the City to make the following adjustments to the Project:

Standard	Project	Existing Standard	Adjustments Required by SB 1537
Maximum Building Height	37’2”	28’6”	The “greater of”:
			20% adjustment: 34’2” “One story” adjustment: 37’6”
Minimum Parking	96 spaces	120 spaces	As few as 0 spaces ³

These adjustments to maximum building height and minimum parking are **required by state law**. SB 1537 leaves no room for the exercise of discretion in making these adjustments.

Adjustment to Maximum Building Height:

SB 1537 requires “an increase of the greater of: (I) One story; or (II) A 20 percent increase to base zone height[.]”⁴ In this case, the Planning Commission applied a 20% adjustment to increase the maximum building height for the Project from 28’6” to 34’2”. The Planning Commission did not, however, consider or apply the “one story” adjustment. State law does not specify the height of “one story.” Based on industry minimum standard, “one story” in a multi-story building is at least 9 feet.⁵ Accordingly, applying the “one story” adjustment to the Project would increase the maximum building height from 28’6” to at least 37’6”.

² Details confirming the Project’s eligibility for SB 1537 mandatory adjustments are included in Attachment 1.

³ SB 1537 requires “full adjustment” of parking minimums. See Oregon Department of Land Conservation and Development, *Mandatory Adjustments – Section 38, Senate Bill 1537 (2024 Session)*. Accordingly, SB 1537 may be applied to eliminate all minimum parking requirements.

⁴ Or Laws 2024, ch 110 § 38(4)(g)(B)(ii).

⁵ Industry minimum standard is an 8-foot high ceiling with a minimum of 1-foot structure above, which makes each story at least 9 feet. In multifamily developments, such as the Project, the thickness of the structure between floors

SB 1537 requires the City to adjust maximum building height by “the greater of” one story or a 20 percent increase. Here, the “one story” adjustment (to 37’6”) is greater than the 20 percent adjustment (to 34’2”). As such, SB 1537 requires the City to adjust the maximum building height to 37’6”. The Project has a proposed maximum building height of 37’2”, which fits within the 37’6”-adjusted height limit required by SB 1537. As such, no further adjustment to the height standards is required. Even if further adjustment *were* required, such adjustment is permitted by MZO 3.03(4)(B), as discussed below.

Adjustment to Minimum Parking:

SB 1537 requires “full adjustment” of minimum parking requirements.⁶ Consistent with SB 1537, the Planning Commission adjusted the minimum parking requirements from 120 spaces to 96 spaces. Appellants’ arguments that the Planning Commission “failed to provide adequate findings” regarding parking and that the City should have established “criteria or processes” within the MZO as to “how the [City] will implement the reductions allowed in SB 1537,” ignore the clear directives of SB 1537. SB 1537 does not require additional findings by the City. Nor does SB 1537 require additional criteria or processes. To the contrary, SB 1537 allows the City to “[d]irectly apply” the mandatory adjustments or to apply the mandatory adjustments as part of the City’s “existing process,”⁷ which is what the Planning Commission did.

MZO 3.03(4)(B) – Discretionary Adjustments

In addition to the mandatory adjustments required by SB 1537, the Planning Commission properly exercised its discretion under MZO 3.030(4)(b) to “authorize relaxation of these standards [in the SR-R zone] to permit flexibility in design.” The Planning Commission applied MZO 3.030(4)(b) to make the following adjustments:

Standard	Project	Existing Standard	Existing Standard as Adjusted by SB 1537	Adjustment Under MZO 3.03(4)(b)
Front Yard Setback	10’	20’	20’	10’
Max Building Height	37’2	28’6”	20% Adjustment → 34’2”	37’2”
			** “One Story” Adjustment → 37’6”	N/A

*** As noted above, there would be no requirement to apply MZO 3.03(4)(b) to adjust the maximum building height if the Planning Commission had applied the “one story” adjustment required by SB 1537.*

must be greater than 1 foot to achieve the required sound and fire separation between units, which results in story height greater than 9 feet. The Project proposes story heights greater than 9 feet.

⁶ See Oregon Department of Land Conservation and Development, *Mandatory Adjustments – Section 38, Senate Bill 1537 (2024 Session)*.

⁷ Or Laws 2024, ch 110 § 38(3).

Appellants' arguments that the Planning Commission "failed to require a Variance" for the front yard setback and building height are spurious. The Project neither seeks nor requires a variance.

Further, appellants misinterpret MZO 3.030(4)(b) to preclude adjustments to building height. MZO 3.030(4)(b) allows "relaxation" of all development standards in the SR-R zone, other than density and use, which are separately addressed in MZO Section 3.030. These include height.

Finally, even if MZO 3.030(4)(b) did not allow for adjustments to height, SB 1537 requires the City to approve the maximum building height adjustment from 28'6" to 37'2", as detailed above.

Defense of the Decision and Future Appeal

We understand that the City Council will hear the Appeal and may affirm, modify or reverse the Decision by the Planning Commission. As you know, any appeal of the City Council's decision would be to LUBA.

The applicants are fully committed to developing the Project and have retained our firm to defend the Decision before the City Council and before LUBA in any subsequent appeal. The Appeal has also caused the City to incur legal fees from the law firm that provides land use counsel to the City. Under ORS 197.843, these combined costs are recoverable "attorney fees." In the event of an appeal to LUBA, if Project applicants prevail, then such fees would be recoverable from LUBA appellants in accordance with ORS 197.843(4)(b).

The applicants appreciate City Staff's efforts and the Planning Commission's careful consideration of this much-needed affordable housing project. We look forward to presenting the Project to the City Council on April 14, 2025, where we will respectfully request that the City Council deny the Appeal and affirm the Planning Commission's Decision.

Very truly yours,



Dana L. Krawczuk

Attachment 1: SB 1537 Eligibility

March 27, 2025

Dana L. Krawczuk
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**VIA E-MAIL (LAMAN@CI.MANZANITA.OR.US;
SGEBHART@CI.MANZANITA.OR.US))**

Leila Aman, City Manager
Scott Gebhart, Planning & Building
City of Manzanita
167 S. 5th Street
P.O. Box 129
Manzanita, OR 97130

Re: Manzanita Pines – SB 1537 Eligibility (Planning File No. 25001)

Dear Leila and Scott:

The purpose of this letter is to document the eligibility of the Manzanita Pines project (Planning File No. 25001) for mandatory adjustments under SB 1537. As you know, the project is seeking Planned Unit Development approval to construct of a 60-unit affordable, multi-family project.

The Manzanita Pines project qualifies for SB 1537 mandatory adjustments because it meets the conditions in Section 38(2), including:

- a) the application is for a quasi-judicial land use decision;
- b) on land zoned for mixed-use residential;
- c) with density that meets the minimum density of at least 5 units per net residential acre;
- d) within the UGB and the city limits;
- e) includes net new housing units in a new construction project for multifamily use;
- f) two distinct adjustments are requested (building height and parking minimums), which is below the maximum of not more than ten adjustments allowed; and
- g) all of the residential units are subject to an affordable housing covenant making them affordable to moderate income households for a minimum of 30 years.

Steve Miller
March 27, 2025
Page 2

A letter of intent from Oregon Housing and Community Services (“OHCS”), which documents the conditions of funding for the affordable housing project, is included as Attachment A. Please do not hesitate to contact me if you have any questions on this issue.

Very truly yours,



Dana L. Krawczuk

Attachment A: Letter from Oregon Housing and Community Services dated October 9, 2024

October 9, 2024,

Home First Development
4351 SE Hawthorne Blvd
Portland, OR 97215-3162

RE: OHCS LOI

Oregon Housing and Community Services (OHCS) is extending its intent to provide funding for the development of Manzanita Pines Apartments located in Manzanita, Tillamook County on the terms and conditions outlined below.

This expression of intent does not constitute a reservation of funds from OHCS. All final funding commitments are contingent upon the project’s ability to meet their assigned closing deadline, due diligence, underwriting, and programmatic requirements including the State of Oregon’s Qualified Allocation Plan requirements, if applicable. It’s imperative to meet all department timing requirements to avoid development schedule delays, loss of funding consideration, and the risk of project funding gaps. Application waivers and alterations are subject to a revisit of your recommendation of award.

OHCS has received and reviewed your application for funding consideration. Based on the information received, the request for an allocation is expected not to exceed \$21,470,000 in funding resources as supported by the application materials. The funding will be formally reserved by OHCS Finance Committee and/or Housing Stability Council upon motion and vote of approval of all applicable OHCS application and underwriting requirements.

Project details:

Project Name:	Manzanita Pines Apartments		
Project Address:	Lot 1401 Seaview Drive, Manzanita, 97130		
# of Units:	60	# of Buildings:	4
# of PBV	0	# of Years Affordability:	30
Type of Site Control:			
	Deed		
	Land sale contract		
	Earnest money agreement	Execution Date:	06/13/2024
	Option	Execution Date:	
	Other: Purchase and Sale Agreement	Execution Date:	06/13/2024

Unit Type by bedroom size:	Number of units by bedroom size:	Percent of Median Income as adjusted for family size will not exceed:	Rents not to exceed the following percent of median income:
1 Bedroom	6	60%	60%
2 Bedroom	23	60%	60%
3 Bedroom	19	60%	60%
3 Bedroom	4	30%	30%
1 Bedroom	8	30%	30%
Manager	0	N/A	N/A

OHCS Funds identified:

LIFT

Funding Terms:

LIFT

30 years

October 2027

Next Step - Having passed the Impact Assessment ORCA step, Project Applications are now required to meet all evaluation standards under the remaining ORCA steps, Financial Eligibility and Commitment steps as outlined in the current version of the ORCA Manual. Included with standards of those steps are the following Due Diligence submittals:

- Site Control
- Appraisal – Must meet OHCS appraisal requirements and be preformed by an OHCS approved appraiser
- Funding commitments and final approvals from all funders, including HUD PBV, must be in place a minimum of 10 business days prior to financial closing.
- All applicable 3rd party reports (ie. Phase I, Phase II, Environmental reports (LBP, WDO, Asbestos), Capital Needs Assessment (CNA))
- Finalized Relocation Plans
- General Contractor bids good through construction close
- Oregon Bureau of Labor and Industries (BOLI) determination letter
- Davis Bacon Determination (if applicable)
- Core Development Manual (CDM) forms – including variance requests if necessary

- MWESB Initial Report
- Title Insurance
- Preliminary Title Report
- Management Agent Packet – [preapproval submission](#)
- Building permits or permit ready letter

Please upload all documents to the Project's Procorem WorkCenter and notify your assigned Production Analyst once submission is complete and ready for review.

We look forward to working with you on the Manzanita Pines Apartments project. If you have any questions, please reach out to your assigned Production Analyst, Joshua G. Smith at 503-689-7928.

Sincerely,

Joshua G. Smith

Joshua G. Smith
Production Analyst
Affordable Rental Housing Division of OHCS

From: Sharon Parker <sharonparker1111@gmail.com>
Sent: Wednesday, March 26, 2025 4:19 PM
To: City Planning
Subject: De novo review of proposed PUD

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello to the City Council,

We are communicating to you in response to the upcoming de novo review.

In addition to our original communication, we would like to add the following.

Under section 2a of the PUD guidelines, it is stated that 'the proposal should most nearly portray the character of the zone in which the greatest percentage of the PUD is located and that it should relate to the Comprehensive Plan'. The Comprehensive Plan states that the project should protect the character and quality of existing residential areas and neighborhoods from incompatible new development.

Following, is our additional concerns for your review:

- as the area to the west of the PUD is infilled in the future, the wildlife corridor between Neahkahnne Mountain and the state park, will be cut off. The 40% open space in the proposed development could be reconfigured as a corridor running north-south along the eastern boundary. This would also give additional buffering to the neighbors to the east.
- our last communication with you addressed the scale of the buildings. In addition, we would like to add that the current design adds additional energy use or a larger carbon footprint over the lifespan of the project, by having 9 foot ceilings, instead of 8 foot ceilings.

Thank you for consideration of these issues.

Sharon and Dave Parker

Stephen Albrechtsen
35640 Clipper Court
Nehalem, Or. 97131
503.354.7113

Public Comment Manzanita Pines

1. The proposal asks for a building variance or “relaxation of the standard” in height. Please describe how each of the four requirements are met.

Section 8.020 Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property have no control.
2. The variance is necessary for the preservation of a property right of applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purposes of the Ordinance, the Comprehensive Plan, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City policy.
4. Variance request is the minimum variance which would alleviate the hardship.

The developer Ben Pray, of Home First Development Partners states in regards to why the height variance. “We know it is not technically necessary, folks will be just fine with 8ft.” It is because of marketability. As the developer states, “it is not necessary.” 1:11’10” of the planning commission meeting.

2. Actual Site Topography Vs. Claimed description from developers.

Here are images of the site.

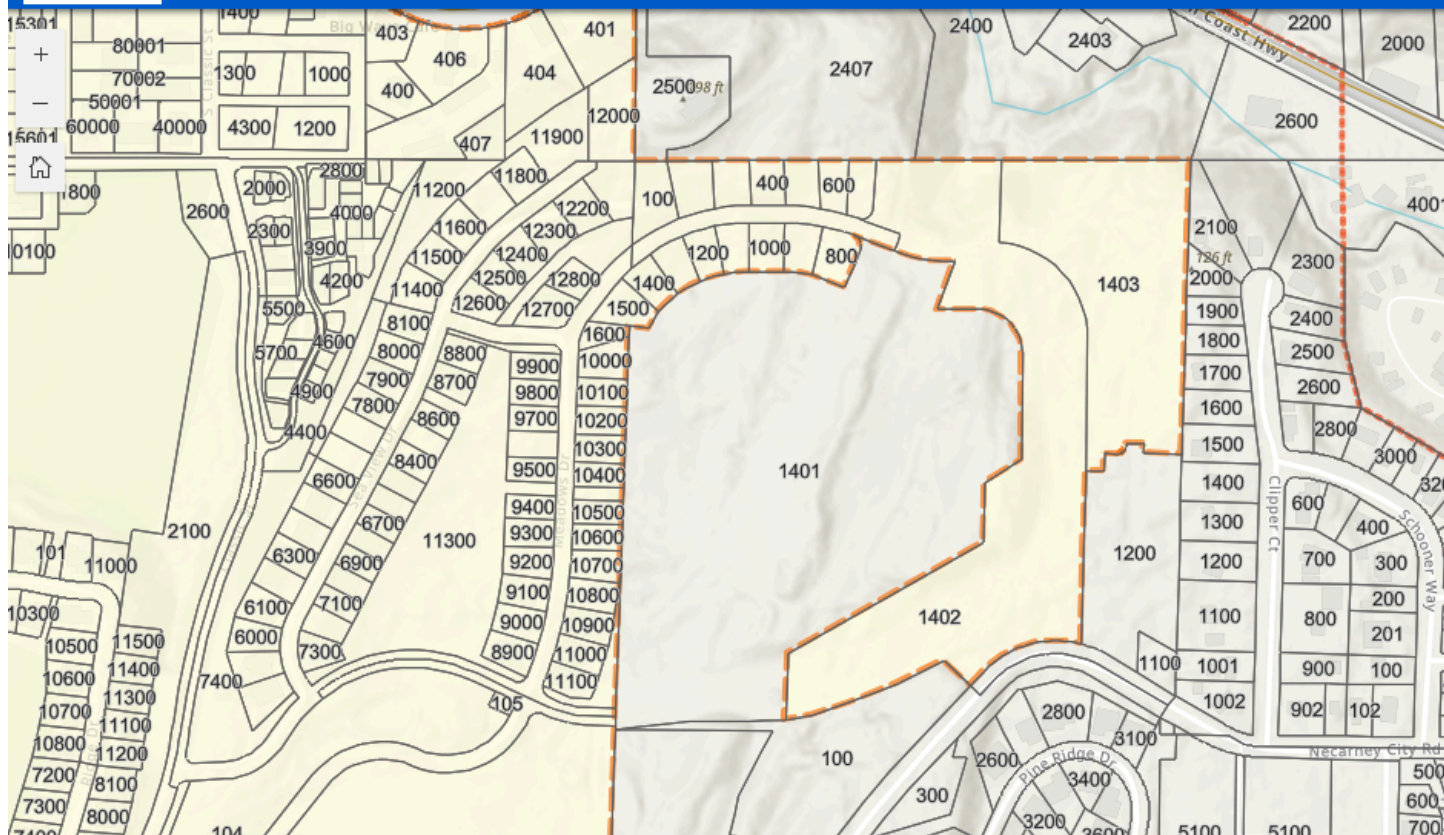




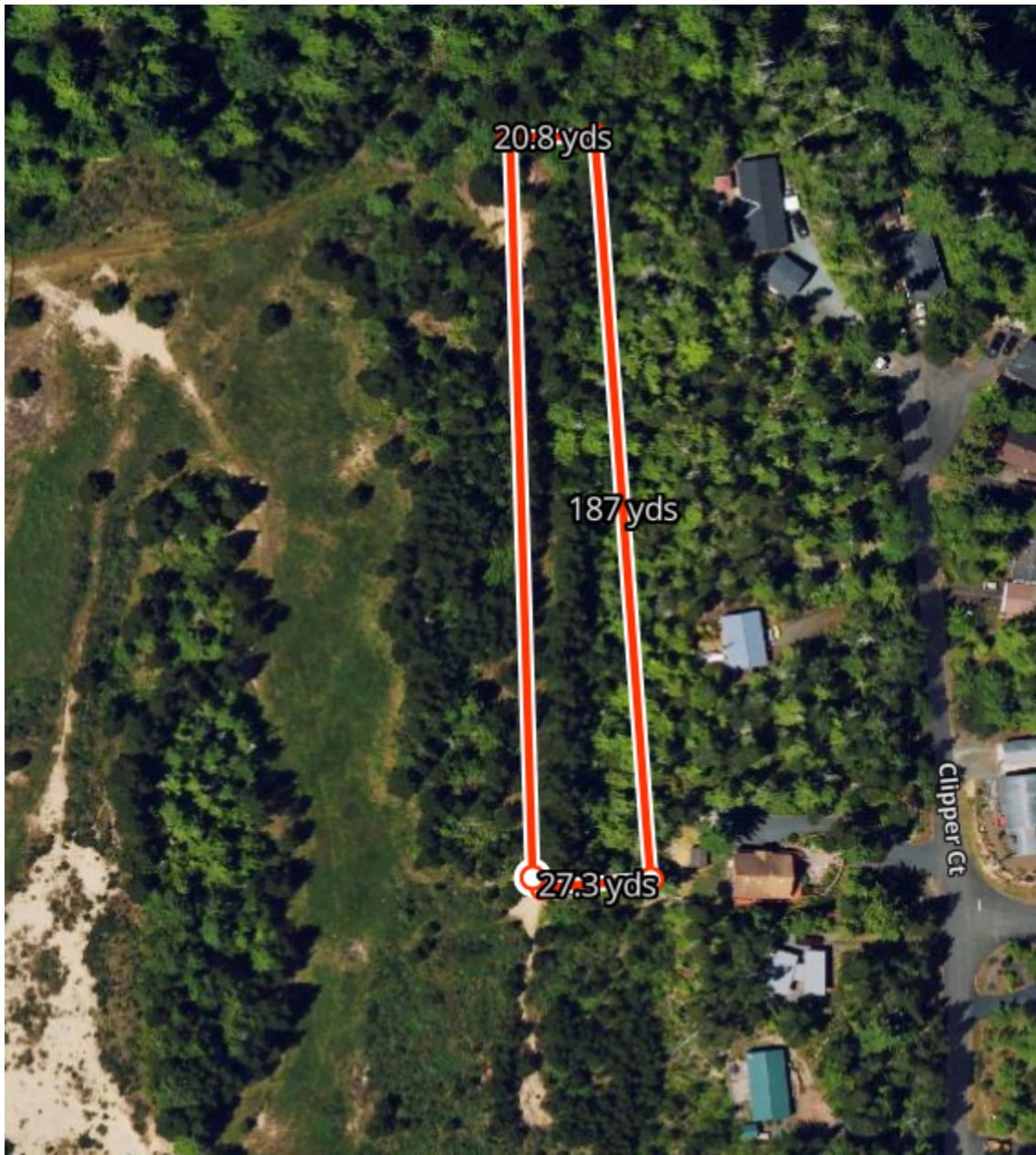
The land was clear cut and logged in the late 1980's in preparation of a future 18 hole golf course, this is the back nine of the golf course that was not completed. The small dunes that I am standing on are the result of previous excavation. The narrative describes steep slopes, this is an inaccurate claim! The image on the top left runs the entirety of the proposed building site. The slope from North to South is a few degrees. The slope East to West is a bit greater than a few degrees, however probably less than 5 degrees. On the SouthEast portion of the building site, the contours create a basin that is several feet below surrounding topography.

The steep slopes on the Westward side on Encore properties, is built up with many newly built million dollar homes. The smaller dune on the NorthEast edge of the property is so small compared to the much larger dunes built on the Highlands development. It is absurd to call this lot steep slopes, it is basically a flat plane of sand.

3. The location: Why does the City of Manzanita public notices keep insisting the lot number is 1401. Keith Daly places near a lot 1403, but he also does not clarify what is the lot number they want to build on.. After months of continued clarification the city keeps repeating the same thing, the proposed building is in lot 1401. The confusion of having developers placing the build differently and the city repeatedly stating 1401 is confusing. According to the Tillamook County map, lot 1401 is zoned Tillamook County and not Manzanita. Refer to the map below for the location of lot 1401.



4. Environmental Services. The location of the development has been the natural North South corridor for a multitude of wildlife from the mountains of Neah-Kah-Nie to Nehalem Bay. The corridor is frequented today by a herd of elk as well as many other species of wildlife. The City of Manzanita could help maintain this corridor by asking the developers for a part of the 60 percent green space as a corridor that runs North South. This would serve as a natural buffer between the residences on Clipper Ct. and the development. The natural buffer was a goal in the initial narrative, but not a part of the actual plan. Jerry Jones of Macher Land Development claimed the plans have a natural buffer and it would be a “peek a boo” scenario for those on Clipper Ct. The stakes in the ground and map overlay tell a different story, it is all boo and no peek, from our perspective. However, Jerry Jones “peek a boo” story could be a reality with the North South corridor, serving as a buffer and win-win scenario. The corridor could look like the image below and it would take between .60 —.80 of an acre. This would also maintain the nature of the pathway that is pictured above. (top left)



Current image of street view:



Architectural renderings of buildings based on the building schematics.



5. Accessibility to Services. Putting low income families the farthest away from city services like the bus stop, grocery stores is bad planning. Why are low income families who have the least, given the greater challenge to access services.

6. Who is paying for the water line that connects into this development and where does it start?

7. What other off site improvements is the developer expected to provide?

8. Who is collecting the rent checks from these 60 units, are the developers Home First Development Partners receiving long term revenue flow?

9. Privacy fencing should be a priority for both residences of the development and neighboring properties, Why are there no privacy fencing plans in this development?

10. The narrative and the comprehensive plan speaks to establishing new buildings that blend into the current landscape and building likeness of the surrounding community. Under section 2a of the PUD guidelines, it is stated that 'the proposal should most nearly portray the character of the zone in which the greatest percentage of the PUD is located and that it should relate to the Comprehensive Plan'. The Comprehensive Plan states that the project should protect the character and quality of existing residential areas and neighborhoods from incompatible new development. The Clipper Court community would be a stark contrast to the current building plan.

11. Late August of 2024 we were notified of land use change happening near us, both my wife Cerisa Albrechtsen and neighbor Robin Johnson emailed and called the city of manzanita about the rezoning and no mail replies, no calls. We wanted to participate in this rezoning change, but we were never given the opportunity. It is no mystery why there was no opposition to the rezoning because public comment was essentially blocked by the City of Manzanita. The zoning of this parcel should be reopened to public comment.

Thank you for your service City Council!

Sincerely,

Stephen Albrechtsen

Attention City of Manzanita:

Planning Dept.

Manzanita, Oregon 97130-0129

Concerned Citizen:

Douglas J Keough

35510 Clipper Ct

Nehalem, OR 97131

505 312 4714

March 25, 2025

Response as per De Novo review timeline of March 28, 2025 in regards to Traffic Impact Concerns with Manzanita Pines, 60 unit housing project as it affects Necarney City County Rd and its intersection with Clipper Ct.

Traffic Concerns on Necarney City Rd. and its intersection with Clipper Ct:

- 1. Currently this is a dangerous intersection. Merging from Clipper Ct onto Necarney Rd is most risky when there is heavy traffic. This is because there is a “blind uphill curve” on Necarney Rd, just west of Clipper Ct. From Clipper Ct, it is nearly impossible to see any of the oncoming eastbound traffic on Necarney Rd. A driver merging out of Clipper Ct onto**

Necarney Rd has to estimate the risk of oncoming traffic from the west when they merge out onto Necarney Rd, eastbound. There is a parabolic mirror hanging on the shoulder of eastbound Necarney Rd, directly across from Clipper Ct. It is difficult to see much from the mirror other than small images of vehicle movement approaching through the blind spot. The mirror helps a bit but overall is very inadequate.

As local traffic flow would increase significantly as a result of the proposed multi-family housing project of 60 units (which is to be located just west of the above mentioned (“blind uphill curve”) there is no doubt that the current local traffic on Necarney Rd will increase dramatically, 24/7. This dramatic increase in traffic will certainly aggravate and increase the potential risk of accidents while merging onto Necarney Rd eastbound from Clipper Ct.

- 2. The proposed new 60-unit housing project mentioned above will house about 189 people at full capacity. The project has proposed parking spaces for 95 cars. These 95 cars will likely be making at least 1 trip out from and back into the project neighborhood via Necarney Rd for each day of the week. It seems reasonable that this could double the local traffic level on Necarney Rd near Clipper Ct and will affect both lanes, seven days a week. This will make merging much riskier and would create longer delays.**
- 3. In addition to the proposed 60-unit housing project, there is an expansion plan for the Nehalem Bay State Park to increase its campsites by 300. At peak times in the summer months this**

could generate another 150 cars on Necarney Rd. Again, Necarney Rd will be affected by this new traffic burden. The traffic will make it even more difficult for the residents on Clipper Ct to merge safely onto Necarney Rd.

4. There is yet another proposed housing project for 100+ multifamily units, to be located adjacent to and just west of the current 60 unit project. Again, Necarney Rd will be loaded even more with this additional traffic burden. At full capacity this could mean another 315 people and/or another 150 cars traveling on Necarney Rd daily, 24/7.
5. Summarizing the above estimates would predict new daily driver traffic loads of about 250 residential cars and a mix of 150 camp vehicles in the warm, busy months with substantially fewer in the cold months. A combined count of 400 vehicles could peak in the warm summer months and settle down to about 300 or less vehicles in the winter.
6. Consequently, if nothing is done to address the huge new combined traffic surge onto Necarney Rd, from just the 3 planned projects above, it will not bode well for the residents living on Clipper Ct, or frankly anyone who lives in this area, to safely merge onto Necarney Rd.
7. In conclusion, traffic solutions for the expected and intended new traffic growth on Necarney Rd are needed as part of these projects proposals! We cannot wait for a severe traffic tragedy

to occur at this intersection before implementing solid solutions.

a. The “blind uphill curve” on Necarney Rd, just west of Clipper Ct, needs to be addressed in a way to make merging from Clipper Ct onto Necarney Rd. safer and easy.

b. The parabolic mirror across from Clipper Ct is inadequate and needs to be replaced with a solid solution, to allow people to safely deal with that “blind uphill curve” on Necarney Rd.

c. Necarney Rd in general is a marginally safe road. It’s going to receive a huge increase in more traffic, 7 days a week, as expected from the 3 respective projects mentioned above. It needs to be upgraded for not only driving, but for bike lanes, shoulders and RV and boat traffic.

d. Widening Necarney Rd and adding a center lane across from Clipper Ct could be an additional and useful technique to make merging safer and easier for the residents on Clipper Ct.

e. A “smart” traffic stop light at the Necarney Rd intersection with Clipper Ct would be the ultimate improvement against the large and imminent traffic surge coming our way.

Building

From: keough0550@comcast.net
Sent: Thursday, March 27, 2025 5:04 PM
To: City Planning
Subject: Comment related to Manzanita pines development

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I am sending this note to add my family as additional concerned citizens relating to the 60 housing unit, affordable housing development called Manzanita Pines. Having reviewed the meeting notes for Feb 10th meeting, I feel some excellent points have already been made regarding the impact on the existing community that includes the adjacent neighborhood of Clipper Ct. As stated, the large buildings will have a sever impact on the look and feel of the area and will devalue property. We have owned property on Clipper Ct for approx. 35 years and even though we are only part time residents, we do have concerns regarding the proposed development for the next generation of our family members to enjoy this property.

Here are some additional concerns we are submitting for the planning commission that need to be addressed.

1. A low income population that this development will house typically have a need for mass transit to provide ability to get to work. What are the city plans to address this given the proposed location and limited parking?
2. It is expected that access to affordable health care be required. Has the city have plans in place to address?
3. There was a note in the minutes that sewer lines will be tied into the existing manhole located on Clipper Ct. Has a study been done to insure this large increase can be maintained by existing sewer line?

We understand that the city and county have a need to provide affordable housing. The question is, if this is the best way to provide housing without causing stress on the community and increased demand for city services.

Thanks

Tom Keough

35510 Clipper Ct

Nehalem OR 97131

Harout Akdedian

Harout.akdedian@gmail.com

March 26, 2025

City Council

Manzanita, OR 97130

Dear Members of the City Council,

I am writing this letter to express my support for the Manzanita Pines project, currently under *de novo* review. I am also writing this letter to kindly urge the Council's consideration for a conditional approval of developer's height variance request based on two specific concerns:

- 1- City of Manzanita's Comprehensive Plan sets to "Protect the character and quality of existing residential areas and neighborhoods from incompatible new development".
- 2- Applicant mentions in narrative submitted that a "landscape buffer to the east" would effectively "separate the Manzanita Pines property from adjacent residential areas".

The proposed Building B and parking lot extending north from said building will effectively demolish all existing vegetation and buffers for future residents of Manzanita Pines as well as existing and future homes on the northern half of Clipper Ct.

I would like to express my strong support for planning commissioner John Collier's suggestions during the February 10 meeting [advocating](#) for the developer to redraft plans such to maintain an effective buffer with Clipper Court residents, at little foreseeable additional

grading cost. I would like to bring to the City Council's attention the answer that the developer gave to planning commissioner Collier that the proposed plan, in case of a conditional approval of height variance, could in fact be revised accordingly.

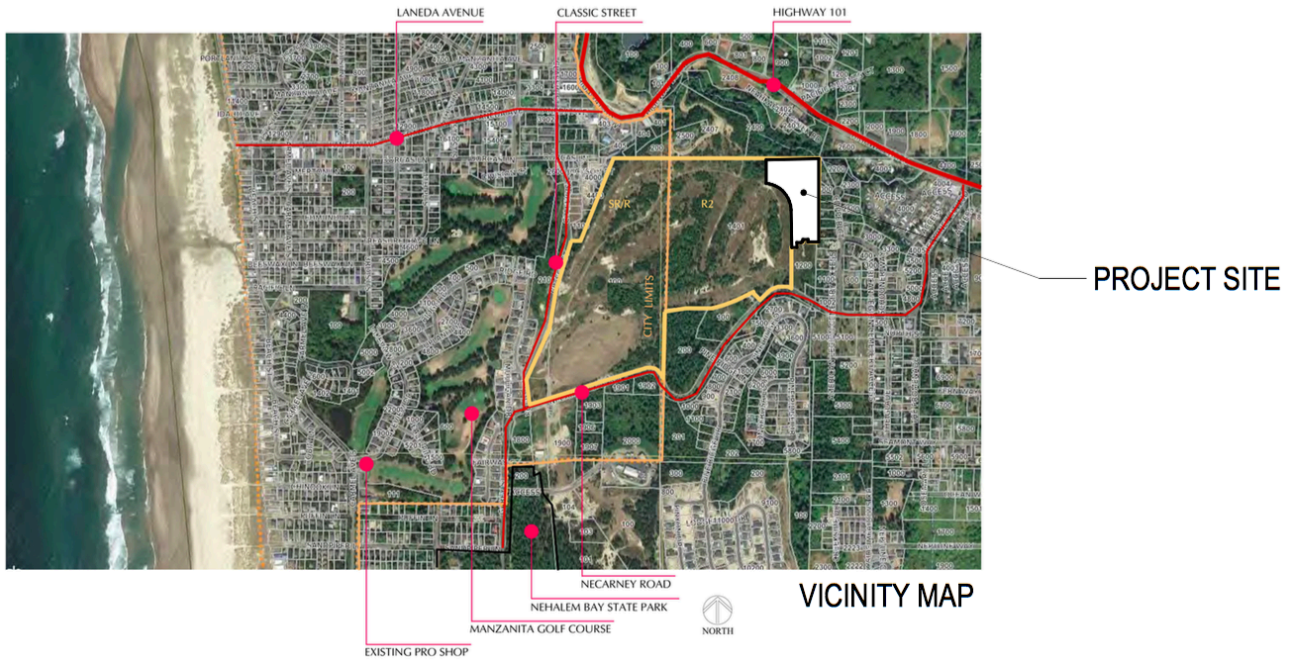
In addition, I would like to point out that Planning Commissioner Collier's proposition not only saves the private interests of future Manzanita Pines residents and neighboring houses, but that it also protects the very last forested patch of habitat connectivity between the Neahkahnie mountain range to the north and Nehalem Bay State Park to the south. The clearing of trees from the Highlands to Manzanita Pines has effectively left us with a patchwork of disconnected tree bouquets and a destroyed wildlife habitat that used to be a thriving uninterrupted forest extending from Neahkahnie Mountain to Manzanita Beach and Nehalem Bay. Since Manzanita Pines will be lodged exactly at the bottleneck of leftover forest, forest degradation in Manzanita will officially surpass an unprecedented threshold of wildlife habitat destruction. Future efforts of restoring or maintaining habitat connectivity and the natural features and qualities of existing neighborhoods will prove more challenging and nearly impossible without maintaining any remaining north to south forested habitat connections.

A conditional approval addressing the concerns above are in both public and private interests of existing and future residents, and would be a reflection of our strong commitment as community, City Council and developer to the health and well being of our region.

Existing Vegetation West of Clipper Ct:



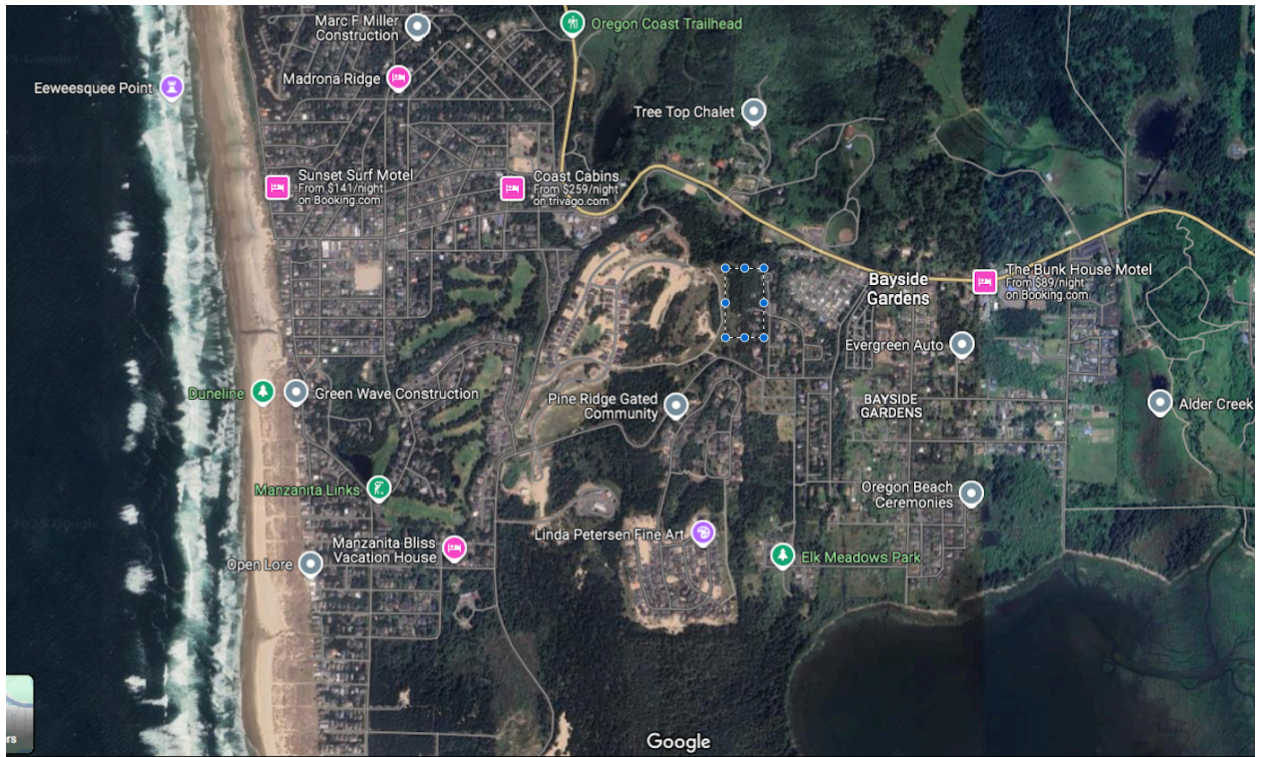
Project Site:



Projected Deforestation (North-South) and Absence of Buffer (East):



Habitat Connectivity:



From: Cerisa Albrechtsen <cerisa.niskanen1@gmail.com>
Sent: Thursday, March 27, 2025 11:45 AM
To: City Planning
Subject: Re: de nova hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Hello to the City Council,

Please submit these comments for the de novo review in addition to my previous comments.

1. I believe the City Council should be made aware that I emailed the planning department, per the guidance of land use zoning change notice, in August. I never received a response back until I recently resent my original email, asking why I never received a response back? I also called the number provided on the letter head multiple times and was unable to reach anyone, which I understand now is not "a good number." I can only wonder how many of my out of town neighbors tried to follow the directions on the land use change letter, only to hit a dead end. I do know of one who emailed and never heard back from anyone and one who called and never heard back from anyone. That makes at least 3 of us.

2. I also believe City Council should be made aware that I requested accommodations for my neighbors, per the guidance that is stated on the notice. I was told over the phone to "have a party and invite my neighbors over so they could watch the meeting that way." I followed up with an email stating why is it my responsibility to provide accommodations for my elderly neighbors who don't know how to access Zoom. Its the public entity that should provide accommodations. I never received a response back from that email either.

3. Per the City of Manzanita Comprehensive Plan adopted March 6, 1996 section 20, "require that fencing or appropriate screening be provided around unsightly or incompatible building, structure or activities, particularly where they adjoin residential areas." If this is stated in your comprehensive plan why was this developer not required to provide this?

4. How can a massive building such as this 60-unit complex be passed by the city planning commission without the most basic information like back yard set backs and side yards set backs? These set backs are crucial to understand the true effect to the buildings. The developers did state they believe the back yard setback was 22 feet. Unfortunately, this leaves not trees between the massive structure and those lot owners on clipper court.

City Council and City Planners for your time and service,

Cerisa Albrechtsen

Public Health RN, BSN

503-812-8709

cerisa.niskanen1@gmail.com

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Marylou Andes
 mayasnanna@aol.com
 planning@ci.manzanita.or.us,
 Marylou Andes

My name is Gary Andes, a Tillamook County resident, living at 35740 Clipper Court, Nehalem, OR 97131. My property is also known as tax lot 2100, contiguous and adjacent to the northeast of the proposed housing development.

I would like to thank the Manzanita City Council for the opportunity to provide comments on this proposed housing development which will hopefully have good impacts for the housing situation in the area, but will have some negative impacts for existing neighbors, particularly on Clipper Court, unless some changes can be made to the proposal.

I listened in via Zoom on the Planning Commission hearing held on 2/10/25 regarding this proposal but was unable to get in the system to actually verbally present testimony at that time, probably due to some computer ineptitude on my part. The Public Notice I received in the mail for that hearing stated that the Planning Commission would be meeting and via Zoom on that date and time. I took that to mean that the Commission would be holding an actual in person meeting with the public and via Zoom so I went to City Hall at 4 pm but no one was there and the Public Notice on the window there stated that the hearing was via Zoom only so I had to rush home to get on the computer. Thus, a misstatement on the Public Notices sent via regular mail.

The 2/10/25 Public Hearing was enlightening to me in several respects. First, I found it disheartening that many, if not all, of the Planning Commission members, stated that they had actually never walked the site of this proposed development. For as important a development as this appears to be, one would think that those making decisions would be fully aware of what the site actually looks like on the ground as well as what it might look like from an existing neighbors perspective. I hope that the City Council members are more thorough in their review of this proposal and would personally visit the site on the ground. I or several Clipper Court residents would be happy to give a tour.

Secondly, one commentor at the hearing was not allowed to present their firm regarding the project, even though it had been already entered into the record. That is in stark contrast to the way and protocol in which I conducted public hearings while at the Department of Environmental Quality for 30 years whereby, even if already submitted, any comments could again be read or presented in person at the public hearing. Just poor, improper, and capricious procedure by the Planning Commission in my mind.

Based on my review of the proposed development and the testimony presented at the Planning Commission hearing, I have the following comments to present to the City Council for their consideration in possibly modifying the proposed development.

My property sits adjacent just to the northeast of the main development area of the housing complex and I believe will not be

The Athletic

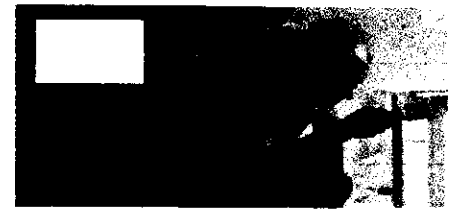
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John General



INDICATION AND SAFETY SUMMARY WITH WARNINGS

Mounjaro® (moww-JAHR-OH) is an insulin medicine for adults with type 2 diabetes with diet and exercise to improve blood glucose.

- It is not known if Mounjaro can cause people who have had inflammation

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development area of the housing complex and I believe will not be impacted visually as much as other Clipper Court residents and properties to the south. However, I still have a number of concerns with the project as it now stands.

The proposed development will wipe out the primary wildlife movement corridor now existing through the old undeveloped golf course, the east perimeter road as I call it. Having walked that road and much of the undeveloped golf course in the last few year, there is no doubt that the perimeter road on the east end of the property conveys considerable wildlife between the state park and Neahkahnne Mountain. I can provide numerous photos of wildlife on a trail which leads to our house and property from the perimeter road. This includes black bears, bobcats, coyotes, mountain lion, deer, elk, and raccoons. Without the east perimeter road and with the western area of the old golf course being developed for high-end houses, there will be no easy route for wildlife movements to avoid public housing areas. I would propose that somehow the east perimeter road be left intact along with the acreage between it and the existing east property line to continue to maintain and continue to provide a wildlife corridor through this area.

During the Planning Commission hearing mention was made of a fence to be constructed between the housing development and the access road to the west, probably for safety purposes for housing residents and their children. That is OK but what about a privacy fence between the development and the existing neighbors properties to the east on Clipper Court? It would seem that such a solid fence (not split rail type) along much of the east side of the development would allow for some possible privacy for Clipper Court residents and might prevent housing development residents from trespassing (and possibly littering or vandalizing) onto Clipper Court residence properties. Seems like a neighborly thing to do.

One concern I have is regarding the ground vibrations which occur during construction, particularly during the road compaction. We experienced considerable seismic ground vibrations at our house when the east end of the access road to the other new houses on the old golf course was being constructed. Pictures on the walls and objects on shelves or dressers would vibrate and move slightly. And this past ground compaction was occurring about 2 to 3 times farther away from our house than the "loop road" to be constructed for this project. I suspect that the ground vibrations will be significantly greater from the future "loop road" construction and could lead to structural cracks occurring in our house or garage. We will be documenting via photos of any of these cracks which develop as they would decrease our property value. Just ask any realtor how sellable a house is or how much these type of structural cracks decrease a house's resale value. If these cracks occur, we will be consulting with legal professionals about possible suits against the developer and the city.

This property lot is one of the funniest shapes I have ever seen. Could this property be modified or expanded slightly to the west? It would seem that many of the negative aspects of this project for existing Clipper Court residents could be alleviated or reduced with a move for the buildings to be in the existing open "fairway" area of the old golf course rather than the heavily treed and perimeter road area. This would put the buildings farther from the east property line and further from the existing Clipper Court properties.



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This property lot is one of the funniest shapes I have ever seen. Could this property be modified or expanded slightly to the west? It would seem that many of the negative aspects of this project for existing Clipper Court residents could be alleviated or reduced with a move for the buildings to be in the existing open "fairway" area of the old golf course rather than the heavily treed and perimeter road area. This would put the buildings farther from the east property line and farther from the existing Clipper Court properties.

A variance was requested for a front yard setback to 10 feet. That is just too close to the existing property line and the east Clipper Court properties and houses. I would request the normal 20 ft setback. As discussed above, moving the whole project to the west would alleviate the need for this setback variance.

A variance was also requested to increase building height to 37'2" from the normally allowed 28'6". This will definitely make the building structures (particularly Buildings A and B) highly visible to some Clipper Court residents, thereby lowering the aesthetic value of their properties. Aesthetics of the Manzanita area and Clipper Court is why most Clipper Court residents chose to own properties on Clipper Court. In keeping with other building structures in Manzanita, it would seem like a series of smaller cottages fits the Manzanita philosophy rather than a large complex with tall buildings.

Would it be possible to move Buildings A and B just to the northwest of Building E to remove the visibility and aesthetics reduction problem for Clipper Court residents? If not, then I would request that the building heights be approved at the normal 28'6" height. The parking lots would have to be redesigned for this move but I believe could be accommodated near Building E.

As an alternative to not moving Buildings A and B, maybe they could be reduced to two stories and the leftover two stories be made into a Building F just to the northwest of Building E. Again, parking lots would need some adjustment.

Although this project is described as affordable housing, I'm not sure if that's actually true based on the rent values I heard during the Planning Commission hearing. In any case, is there a provision in the approvals that will not allow it to become anything else? I have heard of another affordable housing development in Seaside that was approved as "affordable" only to be changed to something "not affordable" in later years. Not sure if this is true or not, but some approval provision should be made on this project to ensure that Manzanita really gets the long-term affordable housing it wants and needs.

The open space of the project totals 1.88 acres, mostly on the north side of the tax lot. This open space must be maintained to ensure wildlife and forest habitat and prevent future development in this area. A provision in the approval should somehow insure that this natural area habitat be maintained in perpetuity.

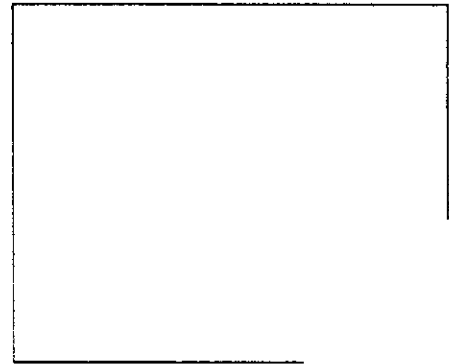
Thank you for allowing me to share my concerns and comments about this Planned Unit Development project. I hope the City Council will give due and diligent consideration to my concerns and comments.



INDICATION AND SAFETY SUMMARY WITH WARNINGS

Mounjaro® (moww-JAHR-OH) is an injectable medicine for adults with type 2 diabetes with diet and exercise to improve blood glucose.

- It is not known if Mounjaro can cause inflammation in people who have had inflammation.



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From: Emily Angell <emily.angell@gmail.com>
Sent: Thursday, March 27, 2025 7:15 AM
To: City Planning
Subject: De Novo hearing for Proposed PUD-comments for criteria of ordinance 95-4 section 4.136 & SR/RZ zone standards in Ordinance 95-4 section 3.030

Follow Up Flag: Follow up
Flag Status: Flagged

Re: De Novo hearing for Proposed PUD-comments for criteria of ordinance 95-4 section 4.136 & SR/RZ zone standards in Ordinance 95-4 section 3.030

This serves as an addition to previous comment submitted on February 10th.

- As per the zone standards in Ordinance 95-4 Section 3.030, public or private park or recreation facilities are permitted outright for the site of this proposed new 60-unit development. The project narrative states that the 4.62 acre site is within a larger master planned area and contains a central playground and open space at the heart of the new, family friendly community. In the public hearing on February 10th, the applicant provided clarification that these amenities would be private and reserved for the use of the residents only.

I strongly urge the applicant and the City to consider public space and public outdoor amenities rather than private ones, as part of this project and do so in coordinated relation to the larger master planned area. This development is situated in a peripheral neighborhood that is already lacking in public amenities and lacking in safe walkable and bikeable routes to amenities in Manzanita or Nehalem. Existing community members in surrounding (non-private) neighborhoods already lack access to other nearby amenities (such as basketball and tennis courts) which reside within another private community directly to the south. This has the effect of creating multiple segregated communities rather than diverse and integrated neighborhoods, a missed opportunity for all. Consideration of public space as part of this and future developments in the area would reflect a stronger commitment to community, equity, health, and wellbeing.

Scott Gebhart

From: Scott Gebhart
Sent: Friday, March 28, 2025 8:31 AM
To: Scott Gebhart
Subject: FW: Appeal of Planning Unit Development for 60 Units

From: Marnie Hancock <theiamlist@mail.com>
Sent: Thursday, March 27, 2025 12:30 PM
To: Nancy Jones <njones@ci.manzanita.or.us>
Cc: City Council <citycouncil@ci.manzanita.or.us>
Subject: Appeal of Planning Unit Development for 60 Units

March 27, 2025

Re: Appeal of Planning Unit Development for a 60-Unit affordable, multi-family housing project (#25001)

Dear City of Manzanita Council Members,

There are concerns regarding the compaction of the dunes and the potential for impacts to the adjacent properties. In discussing the issue with engineers, other types of compaction equipment can be used, which cause less vibration and potentially reduce vibration which has implications to the foundations of the homes on the adjacent properties. Many of the residents along Clipper Court have dishes rattling in their cupboards when compaction is being done while building houses in the Highlands area. **We are concerned about the impact when they are building 20 feet from the property lines of existing structures.**

We remain very concerned about traffic generation from this development. The plans for Loop Road are currently incomplete and unknown. The proposed development does not have adequate information regarding how pedestrian, bicycle, and visitor traffic will be accommodated. Reducing the parking in the name of reduced automobile traffic should be able to demonstrate how pedestrians will get to and from the property.

Solution: How about a bicycle path/walking path?

A Maintenance Shed is proposed near the east property line. What is the purpose of this building, and will there be noise or odor-generating equipment stored within the structure?

Fencing or another physical barrier adjacent to the property lines, such as a wall, should be provided between the two drastically different housing densities. We would like to have a substantial wall built.

I want to thank you for your service to this community, and I acknowledge there is a need for housing, all housing. The concerns of this community where the housing is proposed are not due to the density, it's not due to the type of housing, the concerns are how the development of this proposed housing will ensure the Comprehensive Plan of the city of Manzanita for all of the community members is considered.



March 27, 2025

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

Please accept this letter as additional information regarding the appeal of Manzanita Pines (#25001), A Planned Unit Development (PUD) for a 60-unit affordable, multi-family housing project located at 03N10W28; TL1401. Please note that the City of Manzanita notice is inaccurate, and the tax lot number of the proposed development is 1403.

Street Development:

The subject property was created via a three-lot partition in 2024 (Planning File #24032). When the property was created through Manzanita Subdivision Ordinance 95-5, Section 41 required all lots to abut a public street other than an alley for a width of at least 25 feet.

Tax Lot 1401 (Parcel 3), the subject property, was allowed to be divided with frontage upon a 40-foot 'stem' that is owned by Tax Lot 1403 (Parcel 1). The approved partition decision finds that the stem will be dedicated and developed at such time when the Parcels are developed (Pg. 2, Section A and Pg. 3, Condition #2, Notice of Decision, Planning File #24032, Partition).

This required frontage does not appear to be dedicated, and there are no development plans for the majority of the 'stem' included in the application package for the Manzanita Pines, a violation of the findings from the partition approval.

Additionally, it appears that Loop Road improvements terminate just beyond the northernmost driveway into the parking area for the proposed development. These improvements do not go to the property boundary. Per ORD 95-5, Section 39, Streets, 4. Future Street Extension: The streets shall extend to the boundary of the subdivision or partition. There is no development proposed north of proposed Building E, and therefore, nothing to compel the connection of Loop Road along the frontage of the subject property (Tax Lot 1403) when this development is complete. Per the ordinance, the 'street improvements' shall, not may, extend to the boundary of the subdivision.

The incomplete street system and lack of connectivity increase traffic impacts by preventing the dispersal of the new vehicle trips from the development, and all traffic impacts are at the intersection of Loop Road and Necarney City Road, with no connection to Meadows Drive. Meadows Drive leads to Highlands Drive, which connects to Classic Street. The incomplete street does not provide adequate pedestrian and bicycle access to the development from the public streets.



Front Yard Setback Variance:

A Variance review under Article 8 to reduce the required 20-foot front yard setback to 10 feet should have been processed as part of the development application. The minimum front yard setback according to Section 3.020.3.d shall in no case be no less than 12 feet, yet the Planning Commission allowed for a 50 percent reduction not permitted by local code nor through variance procedures because the minimum setback is 12 feet.

Even though the minimum front yard setback is allowed to be reduced through Manzanita Zoning Ordinance Section 3.030.4.b, which allows for relaxation of the standards such as setbacks, the approved 10-foot setback violates Manzanita Zoning Ordinance #95-4; Article 3, Section 3.020.3.d.

Oregon Senate Bill 1537 allows for up to ten distinct adjustments. Setbacks are not allowed to be reduced by more than 10 percent through this new administrative process. A 50 percent reduction greatly exceeds the legislative intent of SB1537.

Variance to Building Height:

A Variance review from Article 8, to exceed maximum building height from Manzanita Zoning Ordinance #95-4, Article 3; Section 3.020.3.f. should have been processed to allow the structures to exceed the maximum building height.

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 proposed development seeks an increase in height of more than 30 percent. A 30 percent increase in height is more than the standards permitted in the Manzanita Zoning Ordinance and violates the allowed 20 percent increase in height permitted through the new administrative exception process addressed in SB1537. An increase in height by 30 percent greatly exceeds the legislative intent of SB1537.

The grade of the property is also higher than the residential properties to the east, exacerbating the increased height.

Thank you for taking the time to carefully consider the impacts of the proposed development upon the adjacent neighborhood and on the existing and proposed street system. We believe it can be found that the Planning Commission erred in their decision and that an application with appropriate variances is necessary to address the shortcomings of the present proposal and the Planning Commission's decision to approve the incomplete and contested application.

Sincerely,

Amy Gunter

Amy Gunter, Rogue Planning & Development Services, LLC