



CITY OF MANZANITA

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

COUNCIL REGULAR SESSION

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

AGENDA **Updated**

July 9, 2025
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](http://ci.manzanita.or.us/broadcast)

or by joining via Zoom:

<https://us02web.zoom.us/j/82393076165?pwd=dDvcM3LgbGmFmylQYbgw8BTjRoGeEH.1>

Meeting ID: 823 9307 6165 Passcode: 223365

Call in number: +1 253 215 8782

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

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

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

2. AUDIENCE PARTICIPATION

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

3. CONSENT AGENDA

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

A. Approval of Minutes

- a. May 28, 2025, Budget Hearing
- b. June 04, 2025, Regular Session
- c. June 11, 2025, Work Session

B. Approval of Bills

4. INFORMATION

- A. City Manager Report**
Leila Aman, City Manager
- B. Fourth of July and Police Department Update**
Erik Harth, Police Chief

5. OLD BUSINESS

- A. Classic Street Connection Update**
Leila Aman, City Manager

6. NEW BUSINESS

- A. Planned Unit Development Zoning Map Amendment –**
Manzanita Lofts
Leila Aman, City Manager
- B. Planned Unit Development Zoning Map Amendment –**
Manzanita Pines
Leila Aman, City Manager
- C. Amendment to Resolution 24-11**
Leila Aman, City Manager
- D. Establish an Off-Leash Area at Underhill Plaza**
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 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.



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MEMORANDUM

To: City Council
From: Leila Aman, City Manager
Subject: **July 9th, 2025, City Council Regular Session**

Date Written: June 20th, 2025

4. INFORMATION

B. 4th of JULY AND POLICE DEPARTMENT UPDATE

Chief Erik Harth and Sergeant Mike Sims will provide an update on the 4th of July. PD Staff will also provide an update on Police Department transitions including the promotion of the Code Enforcement Officer, Max Halverson, to a sworn Police Officer and how Code Enforcement will be handled while Max is at the Police Academy.

5. NEW BUSINESS

A. PLANNED UNIT DEVELOPMENT ZONING MAP AMENDMENT (MANZANITA LOFTS)

On July 28, 2023, the Manzanita City Council approved an application for a planned unit development for the parcel described as Map 3N-10W-29D Tax Lot 2100 to construct a hotel complex referred to as Manzanita Lofts. Manzanita Zoning Ordinance section 4.136(3)(e)(f)(g)(h) requires planned unit development (PD) to be formally incorporated into the City's zoning framework through a map amendment identifying the parcel as a PD overlay. Because the zoning map is also the Comprehensive Plan map, the ordinance also amends the Comprehensive Plan map to reflect this overlay. Staff provided the necessary notice of the PD overlay to the Department of Land Conservation and Development at least 35 days in advance of the public hearing. Staff are requesting Council conduct a first reading of the Ordinance to add the PD overlay to the zoning map.

**B. PLANNED UNIT DEVELOPMENT ZONING MAP AMENDMENT
(MANZANITA PINES)**

On April 14, 2025, the Manzanita City Council approved an application for a planned unit development for the parcels described as Map 3N-10-28, Tax Lot 1403 to construct a multifamily housing development Manzanita Pines. Manzanita Zoning Ordinance section 4.136(3)(e)(f)(g)(h) requires planned unit development (PD) to be formally incorporated into the City's zoning framework through a map amendment identifying the parcel as a PD overlay. Because the zoning map is also the Comprehensive Plan map, the ordinance also amends the Comprehensive Plan map to reflect this overlay. Staff provided the necessary notice of the PD overlay to the Department of Land Conservation and Development at least 35 days in advance of the public hearing. Staff are requesting Council conduct a first reading of the Ordinance to add the PD overlay to the zoning map.

C. ESTABLISHING AN OFF-LEASH AREA AT UNDERHILL – DISCUSSION

In the short time that staff have been relocated at New City Hall there have been several instances where people have been running their dogs at large on Underhill Plaza. Manzanita Ordinance 05-02 Prohibits Running of Dogs at Large and imposes a penalty and fine of up to \$500. Over the years we have received a handful of complaints about dogs being run off leash and we have issued warnings. With the proximity of City Hall and Police to the site now, we anticipate an increase in these kinds of warnings and possibly citations. Staff have observed that there are several locals who are doing this regularly and staff have discussed the potential of making Underhill an Off-leash area with certain restrictions. Staff are requesting city council's input and feedback on this proposal and whether to pursue an ordinance amendment that would enable this to happen.

**CITY OF MANZANITA
MAY 28, 2025
SPECIAL CITY COUNCIL MEETING &
BUDGET HEARING**

1. CALL MEETING TO ORDER: The meeting was called to order on May 28, 2025, at 6:00pm via Zoom by Mayor Kathryn Stock.

ROLL: Kathryn Stock, Linda Kozlowski, Jerry Spegman, Brad Hart, and Tom Campbell. Staff present: City Manager Leila Aman, Accounting Manager Nina Crist, and Assistant City Recorder Nancy Jones.

2. PUBLIC HEARING – CONSIDERATION OF THE 2025/2026 BUDGET (INCLUDING PROPOSED USES OF STATE REVENUE SHARING FUNDS). Mayor Stock opened the public hearing at 6:06pm. Stock asked for public comments on the proposed 2025/2026 Budget and the proposed uses of state shared revenues, and there were none. The Public Hearing was closed at 6:07pm.

3. NEW BUSINESS:

A. Resolution 25-14 – Resolution adopting the budget, levying taxes, categorizing taxes, and making appropriations for the fiscal year commencing July 1, 2025, to June 30, 2026.

A motion was made by Hart, seconded by Spegman to approve Resolution 25-14, Adopting the budget, levying taxes, categorizing taxes, and making appropriations for the fiscal year commencing July 1, 2025, to June 30, 2026. Motion passed unanimously.

B. Resolution 25-15 – Resolution declaring the city’s election to receive state revenue sharing funds for fiscal year 2025-2026

A motion was made by Spegman, seconded by Campbell to approve Resolution 25-15 Declaring the city’s election to receive State Revenue Sharing Funds for Fiscal Year 2025-2026. Motion passed unanimously.

C. Resolution 25-16 – Resolution extending Workers Compensation Coverage to Volunteers of city of Manzanita for Fiscal Year 2025-2026.

A motion was made by Hart seconded by Kozlowski to approve Resolution 25-16 Extending Workers Compensation Coverage to Volunteers of city of Manzanita for Fiscal Year 2025-2026. Motion passed unanimously.

D. Resolution 25-17 – Resolution for the purpose of transferring appropriations within the city hall fund for fiscal year 2024-2025.

A motion was made by Campbell seconded by Hart to approve Resolution 25-17 for the Purpose of Transferring Appropriations within the City Hall Fund for fiscal year 2024-2025. Motion passed unanimously.

4. ADJOURN: Mayor Stock adjourned the meeting at 6:21pm.

**MINUTES APPROVED THIS
9TH DAY OF JULY 2025**

Kathryn Stock, Mayor

ATTEST:

Leila, City Manager/Recorder

CITY OF MANZANITA
JUNE 4, 2025
CITY COUNCIL REGULAR SESSION

1. CALL TO ORDER: The meeting was called to order on June 4, 2025, 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, Sergeant Mike Sims, Public Works Director Rick Rempfer, and Assistant City Recorder Nancy Jones. Staff present via Zoom: Accounting Manager Nina Crist, and Development Services Manager Scott Gebhart. Panelist's present: Yolk Restaurant Owner Eric Kammerer, EVCNB MRC Velda Handler and Jo Cooper, Panelists present via Zoom: Adrift Hospitality Tiffany Turner.

2. AUDIENCE PARTICIPATION: There were 11 people in attendance, 9 attended via zoom, 23 attended via website. There were no public comments.

3. CONSENT AGENDA:

- A. APPROVAL OF MINUTES –
 - a. April 29, 2025, Budget Meeting
 - b. May 06, 2025, Budget Meeting
 - c. May 07, 2025, Regular Session
 - d. May 14, 2025, Work Session

B. APPROVAL OF BILLS FOR PAYMENT

A motion was made by Kozlowski, seconded by Hart, to approve the consent agenda that included approval of the April 29, 2025, Budget Meeting Minutes; May 06, 2025, Budget Meeting Minutes; May 07, 2025, Regular Session Minutes; May 14, 2025, 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

-Aman provided an update on the Nehalem Bay State Park project and said that the day use area is now open and that it is expected to re-open half of the campground by July 1, 2025.

- Aman announced that residential yard signs regarding the use of illegal fireworks are available today and for pick up at city hall.

City Council Regular Session
June 4, 2025

-Aman spoke about the Planning Commission public hearing scheduled for June 9th at 4pm via zoom. She communicated that the Planning Commission will be working on implementation of Oregon's middle housing rules and recommendations of the housing ordinance amendments.

-Aman spoke about the water rate fee adjustment of 4.33 percent for inflation. The new rates will go into effect on July 1, 2025.

-Aman spoke about the Classic Street Connection Project. She reported that a Request for Proposal (RFP) was posted last month, and the city rejected all four bids due to the high cost. She stated that the Request for Proposal (RPF) has been revised and reposted today. She clarified that there are now two proposed schedules with the retaining wall removed from the scope of work. She announced that the proposal acceptance deadline is Friday June 20th and said it is anticipated to present a contract to the council for approval at the July 9th meeting.

B. Citizen of the Year Announcement – Mayor Kathryn Stock

Mayor Kathryn Stock announced this year's Citizen of the Year, Karen Reddick-Yurka. She will ride on a float in this year's fourth of July parade.

C. Emergency Volunteer Corp of Nehalem Bay (EVCNB) Shelters, Medial Reserve Corps (MRC) Information - EVCNB MRC Velda Handler and Jo Cooper

Jo Cooper spoke about the emergency response teams and said that the Community Emergency Response Team (CERT) are people that assist professional responders in roles that don't need intense training so first responders are able to do their jobs. She shared the programs that they are involved in and stated that there are currently 120 trained CERT(s) that can be activated in the event of an emergency.

Velda Handler spoke about the shelters mission and said they partner with cities, counties and facility owners to support those responsible for sheltering people. She spoke about the shelter and medical reserve corp. exercise that took place on 5/3/2025 and shared a summary of events, goals of the exercise, and outcome of the training day. She spoke about the CERT activation process, shared pictures of the different exercise stations and stated that the focus was on emergency preparedness. She said that there is a shelter training scheduled for 11/15/2025 and stated that they always need more volunteers.

5. NEW BUSINESS:

A. Liquor License – Adrift Hospitality Tiffany Turner

Tiffany Turner with Adrift Hospitality spoke about her company purchasing the Spindrift Inn and the Inn at Manzanita. She asked the council to approve the liquor license for the Spinn establishment.

A motion was made by Hart to accept the OLCC Application for The Spinn. Seconded by Kozlowski; Motion passed unanimously.

B. Event Permit, Yolk – City Manager Leila Aman

Yolk restaurant owner Eric Kammerer spoke about an event scheduled for June 29th. He said there will be a DJ playing amplified music in the patio area of the restaurant from 11am to 3pm. He stated that he has received approval from local businesses and needs approval from the council for the use of amplified music.

A motion was made by Spegman to approve the Pride Weekend Patio Event Permit at the Yolk. Seconded by Campbell; Motion passed unanimously.

6. NEW BUSINESS:

A. Comprehensive Plan Update - City Manager Leila Aman

City Manager Leila Aman provided an update on the comprehensive plan and housing ordinance amendments. She reported that Tillamook County passed SB406 which goes into effect on July 1, 2025, that obligates all cities within the county to enforce Oregon's large cities' middle housing model code. She provided an update to the Housing Ordinance Amendments and said that staff will use this model code until Manzanita adopts a customized ordinance amendment. She communicated that the focus will be to adopt a revision to ordinance 95-04 and continue to update ordinance 95-05 for review later this year. She shared the proposed schedule for the adoption of the revised ordinance and said it will qualify as an emergency and would go into effect the following day of its adoption. She said that the planning commission will hold a public hearing on this topic via zoom on Monday June 9th at 4pm. More information can be found on the city's website.

City Manager Leila Aman said that the comprehensive plan is a development of policies and goals and reported that the city received a grant of \$14,500k. She spoke about the Public Advisory Steering Committee (PASC) and said that the next public outreach will be focused on goal numbers 17, 18 and 19. She shared the schedule overview and clarified that it is intended to adopt the completely revised comprehensive plan by the end of 2026. She spoke about the update process and stated that after the comprehensive plan is adopted, the city will then move towards implementation of updating plans and ordinances.

B. City Hall Update - City Manager Leila Aman

City Manager Leila Aman Shared an update about the new city hall building and provided the project status. She said that the substantial completion date has been reached, the punch walk has been completed, and the contractor is finishing up the punch list. She specified that the police department will start moving next week and said that the remaining staff will begin to move on June 17th. Aman stated that the walk-up window at old city hall will close at noon on June 19th and will not reopen. The offices will open on August 4th at the new location at 655

Manzanita Ave. She said that during the transition staff will be available by phone, email and by appointment. Starting August 4th, the new city hall hours will be 9am to 4pm Monday through Thursday. She announced that the building dedication is scheduled for August 2nd with the time still to be determined. She spoke about the budget and contingency and stated that the project was on time and under budget.

Please continue to use the drop box on Dorcas until August 3rd.

Allowed for public comment: There was one public comment.

7. COUNCIL UPDATES

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

8. INFORMATION AND ADJOURN:

-The Planning Commission public hearing is scheduled for June 9, 2025.

-Coffee with counselors will be on June 27, 2025, from 10:30am to 12:30pm at the Manzanita Library.

-Manzanita Municipal Court will be held June 13, 2025, at 1:30pm and is open to the public.

Mayor Stock adjourned the meeting at 7:59PM.

**MINUTES APPROVED THIS
9th Day of July 2025**

Kathryn Stock, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
JUNE 11, 2025
CITY COUNCIL WORK SESSION

1. CALL MEETING TO ORDER: The meeting was called to order on June 11, 2025, at 2:00pm via Zoom by Mayor Kathryn Stock.

ROLL: Members present: Kathryn Stock, Jerry Spegman, Brad Hart, and Tom Campbell. Linda Kozlowski was absent and excused. Staff present: City Manager Leila Aman, Accounting Manager Nina Crist, Development Services Manager Scott Gebhart, and Assistant City Recorder Nancy Jones. Panelist present: Urbsworks Marcy McInelly, and 3J Consulting City Contract Scott Fregonese.

2. Housing Ordinance Amendment Update: Urbsworks Marcy McInelly

City Manager Leila Aman presented the proposed middle housing ordinance amendments and provided an update to the approval process. She said that Tillamook County passed SB406 which goes into effect on July 1, 2025, that obligates all cities within the county to enforce Oregon large cities' middle housing model code. She stated that Manzanita will use the state mandated code until the city amends and adopts its own. She communicated that the Planning Commission has approved the proposed amendments and said the amendments are refinements and improvements of the model code that reflect Manzanitas unique context and community input. She presented the items that must be changed by state law and focused on the changes that are the city's options. She spoke about housing definitions, housing types, zone classifications, form-based standards, commercial zone, and off-street parking.

The city council asked questions and flagged issues and concerns to be discussed at a later meeting.

Aman presented the proposed schedule for adoption of the ordinance. It was decided to schedule this topic for more discussion at the next work session on July 16th. There will also be a community session scheduled for August 5th at the new city hall with the time still to be determined.

3. Adjourn: Mayor Stock adjourned the meeting at 4:18pm.

MINUTES APPROVED THIS
9th Day of July 2025

Kathryn Stock, Mayor

Attest:

Leila Aman, City Manager

BILLS FOR APPROVAL OF PAYMENT

From 6/01/25 - 6/30/25

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
3J CONSULTING (CITY PLANNER)	\$6,794.75	\$6,794.75								
911 SUPPLY (UNIFORM & SUPPLIES)	\$2,541.71		\$2,541.71							
ACCUITY (CITY AUDITOR)	\$2,000.00	\$2,000.00								
AXON ENTERPRISE (MRTLS & SUPP.)	\$5,136.00		\$5,136.00							
BEARING (ARCHITECT)	\$16,946.95						\$16,946.95			
BIG RIVER CONST. (MTRL & SUPP.)	\$1,862.40								\$1,862.40	
BRIDGE TOWER (ADVERTISING)	\$582.36							\$352.44		\$229.92
CAMTRONICS (MTRL & SUPP.)	\$10,050.00									\$10,050.00
CASELLE (FINANCIAL SOFTWARE)	\$2,741.00	\$2,130.15								\$610.85
CDW (IT EQUIPMENT)	\$129.61						\$129.61			
CHARTER (INTERNET)	\$369.91	\$219.99	\$129.98						\$19.94	
CITY OF NEH. (FINES & ASSMNTS)	\$794.00				\$794.00					
CITY OF WHEELER (FINES & ASSMNTS)	\$4,009.00				\$4,009.00					
COAST PRINTING (MTRL & SUPP.)	\$105.95	\$105.95								
COL. PAC. ECONOMIC DEVELOPMENT (ANNUAL RENEWAL)	\$250.00	\$250.00								

BILLS FOR APPROVAL OF PAYMENT

From 6/01/25 - 6/30/25

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
COVE BUILT (CMGC)	\$507,309.85						\$507,309.85			
DATA CENTER (WATER BILLING)	\$1,173.48									\$1,173.48
DAVE DILLION (REIMBURSEMENT)	\$49.99	\$49.99								
DAY WIRELESS (MTRLS & SUPP.)	\$1,105.00	\$1,105.00								
DEQ (PERMIT FEES)	\$893.36									\$893.36
DH NET CONSULTING (IT SERVICES)	\$225.00		\$225.00							
DMV (RECORDS REQUEST)	\$0.70				\$0.70					
EC COMPANY (ELECTRICIAN)	\$2,735.00									\$2,735.00
EDC (ANNUAL RENEWAL)	\$550.00	\$550.00								
ENVIRONMENTS (FURNITURE)	\$55,957.41						\$55,957.41			
GRAND PEAKS (FINANCE CONSULTANT)	\$880.60	\$880.60								
HASCO (FUEL)	\$1,753.54		\$896.34	\$144.43		\$31.21		\$156.07	\$88.48	\$437.01
HEADLIGHT HERALD (ADVERTISING)	\$246.45	\$246.45								
KLOSH (OWNERS REP)	\$13,410.16						\$13,410.16			
LARRY BLAKE (MUNICIPAL JUDGE)	\$400.00				\$400.00					
LB BUILDING SVCS (COMM. INSPECTOR)	\$37,212.79			\$37,212.79						

BILLS FOR APPROVAL OF PAYMENT

From 6/01/25 - 6/30/25

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
LCOG (BUILDING CONSULTANT)	\$926.50			\$926.50						
LEXIPOL (MTRLS & SUPP.)	\$3,330.26		\$3,330.26							
LOC (MTRLS & SUPP.)	\$606.24		\$606.24							
MANZ FARMERS MARKET (REIMBURSEMENT)	\$2,050.00	\$2,050.00								
MANZ. LUMBER (MTRLS & SUPP.)	\$535.09							\$462.56		\$72.53
NBWA (WASTEWATER)	\$270.00					\$270.00				
NC CIVIL DESIGN (CIVIL ENGINEER)	\$15,808.50							\$9,550.80		\$6,257.70
OLSON ASPHALT (STREET SWEEPING)	\$2,300.00							\$2,300.00		
ONE CALL (STATE LOCATE FEES)	\$38.50									\$38.50
ONE ELEVEN (IT SERVICES)	\$23,355.08	\$7,355.08					\$16,000.00			
ONE ELEVEN (EQUIPMENT)	\$11,591.27	\$770.66					\$10,820.61			
OR. DEPT REV (FINES & ASSMNTS.)	\$646.00				\$646.00					
PACIFIC OFFICE (PSTG & COPIER)	\$145.80	\$109.35								\$36.45
RICHARD GRAVES (ENGINEER)	\$1,225.00						\$1,225.00			
RTI (PHONE SERVICE)	\$495.82	\$96.10	\$97.50							\$302.22
STAPLES (MTRLS & SUPP.)	\$176.04	\$176.04								

BILLS FOR APPROVAL OF PAYMENT

From 6/01/25 - 6/30/25

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH EXP	ROADS	Visitors Center	WATER
STEP FORWARD ACTIVITIES (MTRLS & SUPP.)	\$2,587.99								\$2,587.99	
SWEET SEPTIC (PORTABLE TOILETS)	\$340.00								\$340.00	
TILL. CO. CREAMERY (MTRLS & SUPP.)	\$882.00									\$882.00
TILL. CO. PAYABLE (FINES & ASSMNTS.)	\$192.00				\$192.00					
TCVA (VC COORD.)	\$16,267.82								\$16,267.82	
TPUD (ELECTRICITY)	\$3,673.23	\$189.19	\$156.32			\$115.06		\$692.00	\$134.37	\$2,386.29
US BANK (CITY VISA)	\$6,535.28	\$865.02	\$385.94				\$4,500.21	\$193.04	\$113.23	\$477.84
VERIZON (TELEPHONE)	\$1,362.72	\$338.69	\$344.28	\$111.08					\$112.19	\$456.48
WALTER NELSON (MTRLS & SUPP.)	\$787.66								\$787.66	
WALTER WENDOLOWSKI (CITY PLANNER)	\$580.00	\$580.00								
TOTALS	\$774,925.77	\$26,863.01	\$13,849.57	\$38,394.80	\$6,041.70	\$416.27	\$626,299.80	\$13,706.91	\$22,314.08	\$27,039.63



COUNCIL ORDINANCE NO. 25-01

AN ORDINANCE AMENDING ORDINANCE 95-3 AND ORDINANCE 95-4 BY ADOPTING A PLANNED DEVELOPMENT OVERLAY ZONE FOR A RESIDENTIAL PLANNED DEVELOPMENT (MANZANITA LOFTS)

WHEREAS, on July 28, 2023, the Manzanita City Council approved an application for a planned unit development for the parcel described as Map 3N-10W-29D Tax Lot 2100 to construct a hotel complex referred to as Manzanita Lofts; and

WHEREAS, The Manzanita Zoning Ordinance section 4.136(3)(e)(f)(g)(h) requires planned unit development (PD) to be formally incorporated into the City's zoning framework through a map amendment identifying the parcel as a PD overlay; and

WHEREAS, City Staff provided the necessary notice of the PD overlay to the Department of Land Conservation and Development at least 35 days in advance of the public hearing; and

WHEREAS, the City Council held a public hearing on July 9, 2025, to receive public testimony on the proposed planned development overlay.

Now, Therefore, the City of Manzanita Does Ordain as Follows:

SECTION 1. The following applies only to those parcels described as Map 3N-10-29DA, Tax Lots 2100 and 2600:

- a. The City of Manzanita Comprehensive Plan Land Use Map adopted by Ordinance 95-3 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as Special Residential/Recreational-Planned Development on the Comprehensive Plan Land Use Map.
- b. The City of Manzanita Zoning Map adopted by Ordinance 95-4 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as SR/R-PD(Special Residential/Recreational-Planned Development) on the Zoning Map.
- c. The Architectural Site Plan for Manzanita Lofts Planned Development described in Exhibit Attached hereto and by this reference incorporated herein is hereby adopted as the Planned Development for the aforementioned property:

SECTION 2. The Findings of Fact and Conclusions described in Exhibit B attached hereto and by this reference incorporated herein are hereby adopted relative to the Manzanita Lofts Planned Development described in Section 1 above.

PASSED FIRST READING by the Council this 9th day of July, 2025.

PASSED SECOND READING by the Council this 6th day of August, 2025.

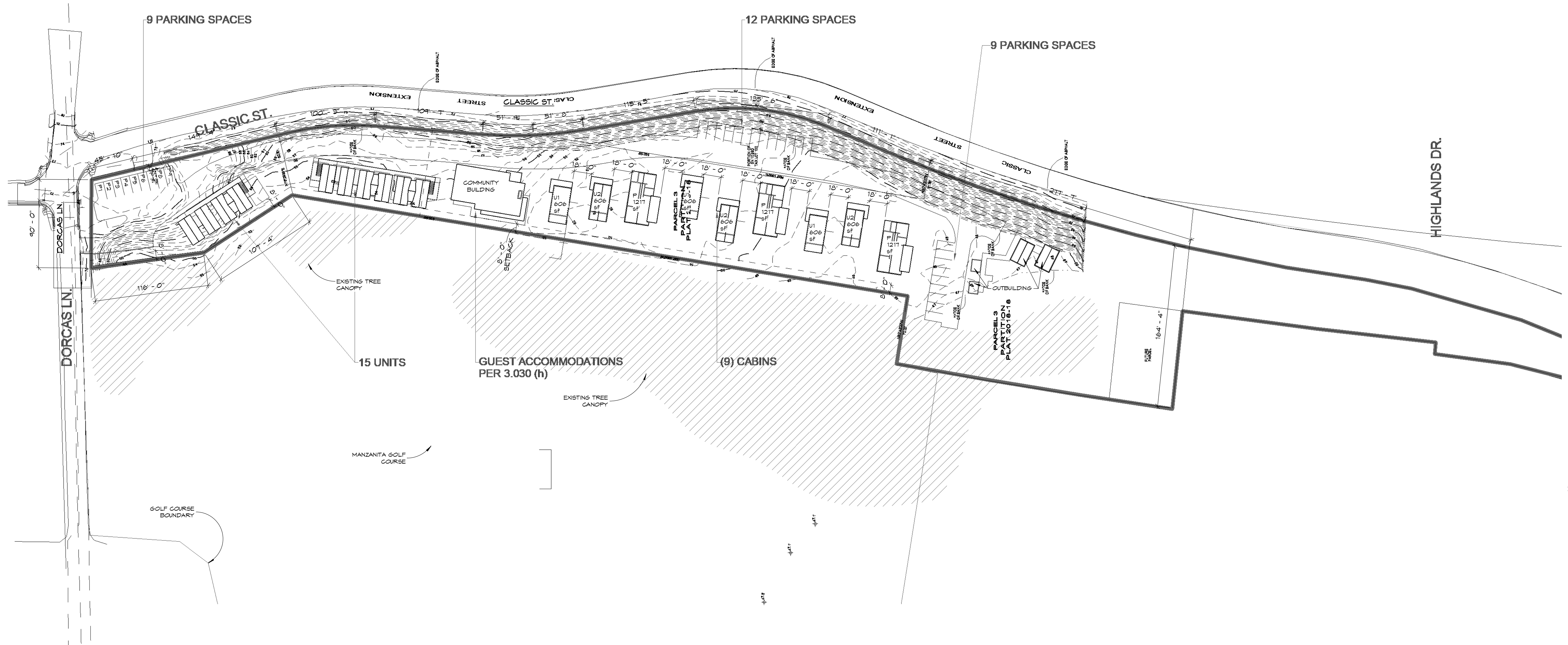
APPROVED by the Mayor this 6th day of August, 2025.

ATTEST:

Kathryn Stock, Mayor

Leila Aman, City Manager/Recorder

2/27/2024 4:36:25 PM



SITE INFORMATION:

OWNER:
MANZANITA LOFTS LLC

TAX LOT:
3N 10W TAX LOT 2600 + 2100

ZONING:
SR-R

LOT AREA:
166,834.8 SF

HOTEL AREA:
7,365 SF

PARKING CODE:
(C) HOTEL, HOTEL, OR GROUP COTTAGES
ONE SPACE FOR EACH UNIT OF 400 SQUARE FEET OR LESS, IF THAT UNIT HAS ONLY ONE BEDROOM; ONE AND 1/4 SPACES PER UNIT FOR ALL OTHER UNITS; AND 2 SPACES FOR A MANAGER'S UNIT.

PARKING REQUIRED = 24.25 SPACES
(11) UNITS UNDER 400 SF = 11 PARKING SPACES
(4) UNITS OVER 400 SF = 5 PARKING SPACES
(9) CABINS OVER 400 SF = 11.25 PARKING SPACES
(1) MANAGER = 2 PARKING SPACES

PARKING PROVIDED = 30 SPACES

PERCENTAGE LOT COVERAGE W/ ROAD:
 $(6,521 + 9,000 + 2,100 + 2,225 + 26,474 \text{ SF}) / (166,834.8 \text{ SF}) \times 100 = 21.77\%$

PERCENTAGE LOT COVERAGE W/O ROAD:
 $(6,521 + 9,000 + 2,100 + 2,225 \text{ SF}) / (166,834.8 \text{ SF}) \times 100 = 11.90\%$

DEDICATED PERMANENT OUTDOOR SPACE PER MZO 3.030(4)a:
 $(19,042.9) / (166,834.8 \text{ SF}) \times 100 = 47.38\%$

** +/- 25 TREES REMOVED FOR CONSTRUCTION
** ADDITION OF +/- 50 NATIVE TREES AND VEGETATION

HOTEL: 15 UNITS TOTAL
UNIT A (SUITE) = 829 SF X 4
UNIT B (1 BED) = 521 SF X 11
LAUNDRY = 452 SF

COMMUNITY BUILDING: = 2125 SF

CABINS: 9 UNITS TOTAL
CABIN U1 = 606 SF X 3
CABIN U2 = 606 SF X 3
CABIN P = 1211 SF X 3

OUTBUILDINGS = 1022 SF



11251 SE 232nd AVE
DAMASCUS, OR 97089

OWNERSHIP & USE OF DOCUMENTS:
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF DC STRUCTURES AS INSTRUMENTS OF PROFESSIONAL SERVICE AND SHALL REMAIN THE PROPERTY OF DC STRUCTURES. THESE DOCUMENTS ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY PROJECT OR PURPOSE WHATSOEVER WITHOUT THE PRIOR SPECIFIC WRITTEN AUTHORIZATION OF DC STRUCTURES.

Drawing Index		
No.	Date	Description

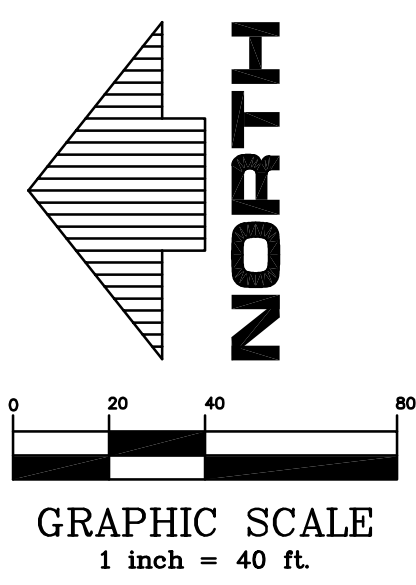
MANZANITA
RETREAT

TAX LOT:
3N 10W TAX LOT 2600 +
2100

SITE PLAN

A-104

DRAWN BY
Author
2/27/2024 4:36:25 PM






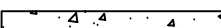




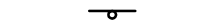




























THESE PLANS ARE AT 1/2 SCALE, 1" = 40' WHEN PLOTTED ON 11X17 PAPER

CONSTRUCTION NOTES

INSPECTION OF SUBGRADE AND BASE IS REQUIRED PRIOR TO PAVING. CONTACT DESIGN ENGINEER.

INSPECTION OF SUBGRADE AND BASE IS REQUIRED PRIOR TO PAVING. CONTACT DESIGN ENGINEER.



- | | |
|---------------------------------------------------------------------------------------|---------------------------------|
|  | EXISTING PROPERTY LINE |
|  | EXISTING GROUND CONTOUR |
|  | EXIST EDGE OF PAVEMENT |
|  | EXISTING CURB |
|  | EXISTING SIDEWALK |
|  | EXISTING WATER LINE |
|  | EXISTING STORM LINE/CULVERT |
|  | EXISTING SANITARY LINE |
|  | EXISTING GAS LINE |
|  | EXISTING TOE OF SLOPE |
|  | EXISTING STREET SIGN |
|  | EXISTING SANITARY SEWER MANHOLE |
|  | EXISTING STORM MANHOLE |
|  | EXISTING CATCH BASIN |
|  | EXISTING WATER METER |
|  | EXISTING WATER VALVE |
|  | EXISTING FIRE HYDRANT |
|  | PROPOSED CURB |
|  | PROPOSED AC PAVING |
|  | PROPOSED WATER LINE |
|  | PROPOSED WATER SERVICE LINE |
|  | PROPOSED FIRE HYDRANT AND VALVE |
|  | PROPOSED WATER SERVICE |
|  | PROPOSED WATER BLOWOFF |
|  | PROPOSED SANITARY LINE |
|  | PROPOSED SANITARY LATERAL |
|  | PROPOSED CLEANOUT |
|  | PROPOSED PRESSURE SANITARY LINE |
|  | PROPOSED STORM LINE |
|  | PROPOSED WATER METER/VAULT |
|  | PROPOSED FINISH GRADE CONTOUR |
|  | PROPOSED CATCH BASIN |
|  | PROPOSED STORM MANHOLE |
|  | PROPOSED SANITARY MANHOLE |
|  | PROPOSED FG SPOT ELEVATION |
|  | PROPOSED SEDIMENT FENCE |
|  | PROPOSED INLET PROTECTION |

1	COVER SHEET	11	STORM SEWER (1/2)
2	SITE PLAN	12	STORM SEWER (2/2)
3	PRIVATE STREET (1/3)	13	WATER PLAN
4	PRIVATE STREET (2/3)	14	GRADING AND EC COVER
5	PRIVATE STREET (3/3)	15	GRADING AND EC PLAN
6	SITE WALLS (1/3)	16	GRADING AND EC DETAILS
7	SITE WALLS (2/3)	17	DETAILS
8	SITE WALLS (3/3)	18	DETAILS
9	SANITARY SEWER (1/2)		
10	SANITARY SEWER (2/2)		

698 DORCAS
MANZANITA, OR
MAP 3.10,29DA
TAX LOTS 2100 AND 2600

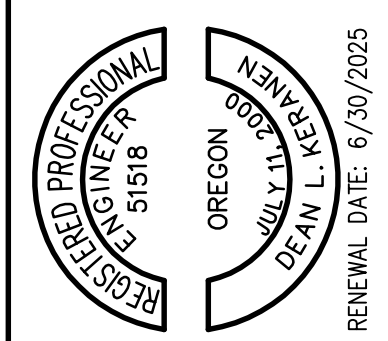
UTILITY CONTACTS

UTILITY TYPE	UTILITY COMPANY	CONTACT NAME	CONTACT NUMBER
LOCAL ROADS	CITY OF MANZANITA	DON WEITZEL	503 812 2514
WATER AND SEWER	CITY OF MANZANITA	DON WEITZEL	503 812 2514
ONE CALL UTILITY LOCATES	ONE CALL UTILITY LOCATES	N/A	800 332 3244
ELECTRICITY	PACIFIC POWER	MARILYN BROCKEY	503 861 6005
CABLE TELEVISION	SPECTRUM/CHARTER	NICK GOLDEN	503 298 0129
GAS	NORTHWEST NATURAL GAS	EMERGENCY	800 882 3377
TELEPHONE	LUMEN	DAVID DODD	503 242 8849

DATE	NO.	REVISION	BY

SHEET
1
OF **18**

DESIGNED:	DLK
DRAWN:	DLK
CHECKED:	DLK



SCALE	VERT: NTS
	HORIZ: NTS
DATE:	MARCH 2024
LOCATION	
698 DORCAS MANZANITA, OR	
TWP.	RANGE SECTION TL
3N	10W 29DA 2100 2600

CLASSIC STREET CABINS

CIVIL PLANS

COVER SHEET

PO BOX 2344
GEARHART, OR 97138
PH: 503 738 2151
SEASIDEDEAN@GMAIL.COM

KERANEN

DRAWING NAME: 24-001CIVIL4 PLOT DATE: 11/25/24

BEFORE THE MANZANITA PLANNING COMMISSION

In the Matter of the)	
)	
Application of)	Order on Remand re Manzanita Lofts
)	Planned Unit Development
Vito Cerelli)	

ORDER

I. NATURE OF THE APPLICATION

This matter comes before the Manzanita City Council on appeal by the applicant from the Planning Commission's decision to deny the application. This matter is on remand from the Land Use Board of Appeals, after Vito Cerelli's appeal of the City's denial of Planned Unit Development application to establish a 34-unit hotel on property zoned Special Residential/Recreation Zone (SR-R).

II. GENERAL INFORMATION

- A. APPLICANT: Vito Cerelli.
- B. PROPERTY LOCATION: The property is located at the approximate southwest corner of Dorcas Lane and Classic Street. Classic Street borders the property along the east. The site address is 698 Dorcas Lane and the County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #2100; and, Township 3 North; Range 10 West; Section 29DA; Tax Lot #2600.
- C. MAPPED AREA: Tax Lot #2100 - 3.42 acres; Tax Lot #2600 - 0.41 acres for 3.81 total acres.
- D. EXISTING DEVELOPMENT: The vacant subject area fronts two public streets and public services are available.
- E. ZONING: The property is zoned Special Residential/Recreation Zone (SR-R) and located within the Dune Overlay.
- F. ADJACENT ZONING AND LAND USE: Property to the north is zoned High Density Residential (R-3) and contains a mix of single-family homes. All remaining adjacent land is zoned SR-R and includes a golf course and residences to the west and south, and, residential development to the east.
- G. REQUEST: The applicant is requesting approval of a Planned Unit Development to construct a hotel complex upon remand from the Land Use Board of Appeals.

- H. **DECISION CRITERIA:** The review criteria for this application on remand are MZO 3.030(4)(a) and MZO 4.136(3)(c)(2), (3), and (5). The issues on review before the City Council relate to MZO 3.030(4)(a) and MZO 4.136(3)(c)(5) only.

III. APPLICATION SUMMARY

- A. The applicant wishes to create a 34 Unit hotel complex on the subject property that will feature a combination of loft units and large and small cabins. The project will be developed over three phases:
1. Phase 1 is located at the north end of the site and will total 19 studio hotel rooms. There will be a total of 11 buildings with eight designed to contain two units and three single units. Each unit will be approximately 350 square feet in area. This Phase also includes a gathering space with a kitchen. This building will not contain a restaurant.
 2. Phase 2 will be located to the south of Phase 1, containing 9 hotel cabins, each approximately 1,000 square feet in area. These will be unattached and run perpendicular to the adjacent roadway.
 3. Phase 3 will be at the south end of the site and contain 6 small cottages, each approximately 350 square feet in area.
 4. A private roadway will run along the east side of the site, serving all three Phases. Required public facilities will also be located within this roadway. Appropriate levels of parking will be included for each Phase for a total of 53 parking spaces.
- B. Section 3.030(2)(h) permits a "motel, hotels, including an eating and drinking establishment therewith" in the Special Residential/Recreation Zone. In addition, Subsection (4)(c) requires the Planning Commission to use the Planned Development procedures in Section 4.136 when evaluating an application.
- C. This application and review are only considering the planned development layout, and not the individual buildings. While the applicant submitted photos and schematics identifying potential designs, this application does not include a design review for any

structure. However, the layout does contain proposed building locations, and if approved, the Commission has the authority to condition their decision on the final layout substantially conforming to the proposal, including the relative size, position and design of the buildings.

D. Two items for clarification:

1. The zoning map on the City's website identifies a right-of-way where the subject property is located. This is in error. The County Assessor maps clearly show the two tax lots without an intervening right-of-way.
2. Phase 2 includes the 1,000 square foot cottages. The submitted plan partitioning of the property is not under consideration with the current proposal. Again, the request is to develop the site for a hotel complex.

IV. PROCEDURAL HISTORY

On March 21, 2022, the Planning Commission conducted a hearing on the application. The Commissioners were familiar with the site's location. Otherwise, no *ex parte* contacts, bias or conflicts of interest were declared. At the conclusion of the meeting, the Commission voted to continue the matter until the April 18, 2022, meeting, allowing the applicant to provide additional information regarding, traffic, wetlands and open space.

The Commission reconvened on April 18, 2022. The applicant was unable to submit the requested information to City staff to meet the April hearing deadline. To ensure a complete and proper review of the material, the applicant requested the Commission continue the matter to the May 16, 2022, Commission meeting. The Commission approved the continuation.

The Commission reconvened on May 16, 2022. At the May 16 meeting, the Commission reviewed the additional material, including traffic reports from the applicant and the City's review of said report, additional building details and landscaping information. At the conclusion of the meeting the Commission voted to continue the matter until the June 20 hearing to address the hotel's operations and vehicle parking.

The Commission reconvened on June 20, 2022. Prior to the June hearing, area property owners submitted written comments to the City and Planning Commission. Although the record was left open at that time only to review materials submitted by the applicant, the City agreed to comprehensively reopen the record to allow additional evidence, argument, and testimony. As a result, a new notice was mailed prior to the June 20 meeting indicating that public testimony will be accepted.

At their conclusion of the June 20 hearing, the Planning Commission voted to deny the application based on previous testimony and the submitted comments. The Commission

found the proposal failed to comply with all applicable decision criteria for a Planned Unit Development contained in Manzanita Ordinance 95-4. Further, the Commission directed staff to prepare an Order for the Chair's signature. Notice of the decision was provided, and the applicant submitted a timely appeal to the City Council.

The City Council elected to conduct the appeal review on the record, and held a hearing on June 19, 2022. After the June 19, 2022, hearing, during which the City Council heard argument from the applicant and those opposed to the application, the City Council adopted the Planning Commission's findings, and denied the application.

The applicant then submitted a timely petition for review to the Oregon Land Use Board of Appeals ("LUBA") on August 8, 2022. Before LUBA, the applicant asserted eight assignments of error against the City's denial. LUBA resolved the petition in a Final Opinion and Order dated February 27, 2023 (the "Remand Order"), remanding the decision to the City for further consideration with respect to three of the assignments of error. Specifically, LUBA agreed with the applicant's arguments that:

1. "[T]he [C]ity erred in relying on [Manzanita Comprehensive Plan] provisions as a basis for the limited land use decision, and in particular as a basis to deny the application for failure to satisfy MZO 4.136(3)(c)(2)." Remand Order at p. 23.
2. "[R]emand is appropriate for the city council to adopt a reviewable interpretation of all of the relevant MZO provisions" MZO 1.030 and MZO 3.030(4)(a), and to determine "whether the Density Standard applies to the proposal." Remand Order at p. 25.
3. The City's decision was not supported by substantial evidence in the record with respect to MZO 4.136(3)(c)(5) in that the record did not support the Planning Commission's conclusions that "the project will generate 'more than 309 vehicle trips'" and that "many of the trips would be directed to downtown." Remand Order at p. 28.

On March 30, 2023, the applicant requested that the City begin remand proceedings to address the three issues on remand. This request started a 120-day time clock for the City to issue its final decision.

The City Council held a special meeting on April 12, 2023 at which it remanded these proceedings to the Planning Commission.

On April 14, 2023 the City issued a Notice of Remand Hearing in accordance with the City Council's decision outlining the remand issues to be resolved at a public hearing before the Planning Commission on May 15, 2023. On May 8, 2023, the City issued a new Notice of Remand Hearing postponing the Remand Hearing to May 30, 2023. On May 22, 2023, the City issued a Staff Report for the May 30, 2023 hearing.

On May 30, 2023, the Planning Commission met to consider evidence, testimony, and argument regarding the remand issues. The materials on review before the Planning Commission included the existing record as was submitted to LUBA, including previous Staff Reports dated March 10, 2022 and June 10, 2022, finding that applicant's proposal complied with the applicable Planned Development criteria and recommending that the

Planning Commission approve the application. The record also includes the Remand Order, applicant's request for a remand hearing, Notices of Remand Hearing, and Applicant's letter dated May 5, 2023, public comments received prior to the May 30, 2023 hearing and during the open record period from May 31, 2023 to June 7, 2023. After considering comments and submitted materials from the applicant, the Oregon Coast Alliance, which was the intervenor in the LUBA proceedings, and members of the public, the Planning Commission made preliminary findings with respect to the remand issues relating to MZO 4.136(c)(2), (3), and (5) as discussed in the June 9, 2023 Staff Report. The Planning Commission then continued the hearing to June 16, 2023 to address the remand issue relating to MZO 3.030(4)(a). The Planning Commission left the record open for a period of seven days for the parties to present new evidence and argument as described in the City's Notice continuing the hearing to June 16, 2023.

On June 16, 2023, the Planning Commission reconvened to consider evidence and testimony raised during the open record period, written responses received before the hearing, and additional oral argument regarding the remand issues as described in the City's Notice continuing the hearing to June 16, 2023.

As a result of that hearing the Planning Commission found that the proposed use met the remand criteria of MZO 4.136(c)(2) and (3), but did not meet the remand criteria of MZO 3.030(4)(a) and MZO 4.136(c)(5) and voted to deny the application on those two grounds on June 16, 2023. A final order was issued on June 20, 2023.

On July 10, 2023 the applicant appealed the Planning Commission's decision to the City Council. After a special set meeting on July 12, 2023 the Council decided to review the appeal on the record.

On July 26, 2023, the City Council held a public hearing to consider argument but not new evidence from the parties. The City Council then continued the public hearing to July 28, 2023, for further discussion and deliberations. At the July 28 hearing, the City Council voted to approve the application with conditions.

The record in this matter is available at: <https://ci.manzanita.or.us/23015-698-dorcas-lane/>

The City now makes its final written decision, with no further appeals within the City's processes, as follows.

V. PLANNED UNIT DEVELOPMENT PROVISIONS AT ISSUE ON REMAND

The City Council makes its findings of fact and conclusions as follows.

- A. MZO 3.030(4) addresses density standards for development in the Special Residential/Recreational Zone, SR-R. In the SR-R zone the following standards shall apply:**

MZO 3.030(4)(a) Overall density for the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site within

the SR-R zone and achieve a maximum density of 13 dwellings per acre where at least 40% of the total lot or parcel area is reserved or dedicated as permanent open space as a public or private park area or golf course. The open space shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City.

DISCUSSION: LUBA accepted that the proposed use is a “hotel” and that the proposed use is therefore a permitted use in the City’s SR-R zone.

LUBA found that the City’s initial denial of the application “adopted an equivocal finding that [this] Density Standard could apply *if* the [hotel’s] units are ‘dwelling units’ as defined in MZO 1.030, without deciding whether the units are in fact dwelling units.” LUBA remanded this portion of the decision to the City to provide further interpretation, and determine whether the Density Standard in MZO 3.030(4)(a) applies to the application.

In his request for a remand hearing, applicant noted that he disagreed that the Density Standard applies to the hotel project. The applicant was willing however, to accept a condition of approval requiring the development to meet the Density standard by reserving or dedicating 40% of the site for open space or public or private park area or a golf course, thereby increasing maximum density to 13 units per acre.

On June 6, 2023, applicant submitted a proposed site plan depicting the physical characteristics of the dedicated open space. That document is available at the link provided above.

During deliberations on July 28, the City Council determined that the Density Standard did apply to the proposed use. After making that determination, the City Council considered whether the application could meet the Density Standard with a condition of approval requiring that the 40% open space be designated in a different configuration than applicant’s proposed site plan, to achieve a maximum density of 13 units per gross acre.

The applicant then suggested a condition of approval reducing the number of units of the project to 6.5 units per acre to meet the general Density Standard and eliminate the need to dedicate 40% of the use for open space as a park. Council discussed that the reduction in density would not constitute a substantial change to the proposed use because the layout would remain the same but with fewer hotel units, which could potentially lessen certain impacts of the project. Council acknowledged that the applicant’s agreement to meet the general Density Standard reduced the Council’s decision to a mathematical calculation of how many units would be permissible on the 3.81 acre lot.

FINDINGS: In accordance with LUBA’s Remand Order, the proposed use is a hotel, which is a permitted use in the SR-R zone.

The hotel’s units are “dwelling units” for purposes of MZO 1.030 because the record shows that the units will have one or more rooms designed or intended for occupancy as separate living quarters and containing four or more of the following amenities: refrigeration, cooking facility (including cooking stove, hot plate, range hood, microwave,

or similar facility) or wiring or venting to support same, dishwashing machine, sink intended for meal preparation (not including a wet bar), garbage disposal, toilet, and/or shower or bathtub. The hotel's units also are expected to have a similar occupancy time to the City's short-term rentals, which are also considered dwelling units.

Therefore, the Density Standard in MZO 3.030(4)(a) applies to the proposed use. The proposed use will be limited to the layout proposed for a 34-unit hotel, reduced to 24 units through a condition of approval. This reduction in density does not constitute a new proposal or a new use, because there are no substantial changes to the proposed use other than a reduction in density.

With a total project area of 3.81 acres and 24 proposed units, the proposed use's density would be 6.3 dwelling units per gross acre, which meets the general density requirement of 6.5 dwelling units or less per gross acre.

CONCLUSION: The City Council finds that the Density Standard described in MZO 3.030(4)(a) applies to the proposed use. Because the proposed use will have a maximum density of 6.3 dwelling units per gross acre, this criterion is met.

B. MZO 4.136(3), addresses the Planned Unit Development Procedure. With respect to the issues on remand, the following procedures shall be observed in applying for and acting on a planned development:

(c) The Planning Commission shall consider the preliminary development plan at a meeting, at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the Planning Commission shall seek to determine that:

(5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

DISCUSSION: LUBA determined that the City's denial was not supported by substantial evidence in the record with respect to MZO 4.136(3)(c)(5) in that the record did not support two of the Planning Commission's conclusions. First, LUBA noted that both the applicant's and the opponent's traffic engineers "estimated that the project would generate 'up to' 309 vehicle trips on the peak day, a Saturday in the summer," which did not support a finding that the project would generate "more than" 309 trips per day. Remand Order at 28. Second, LUBA found that there was no evidence in the record to support the City's conclusion that many of the trips would be directed to downtown. LUBA remanded this portion of the decision to the City.

The City of Manzanita's Transportation Engineer provided a scoping letter to the Applicant on April 13, 2023, to provide an updated Transportation Impact Study (TIS) to address

the issues raised in the Remand Order. This letter is posted as part of the packet for the May 30th hearing and is available at the web address above.

On May 4, 2023, applicant submitted Transportation Impact Study Conducted by Mackenzie for Manzanita Lofts Hotel Dated May 3, 2023.

On May 4, 2023 Lancaster Mobley, the City's Contract Traffic Engineer reviewed the findings from the Mackenzie Transportation Impact Analysis.

These materials are available and included in the Planning Commission Packet which can be found on the City's website at the link provided above.

FINDINGS: There will be a single private driveway servicing the site. Neither Ordinance 95-4 or Ordinance 95-5 (Land Divisions) contains minimum driveway width and improvement requirements.

Although the proposed use will impact traffic on the surrounding streets, the applicant's May 4 TIS, adequately addresses the items identified in the City's April 13 scoping memorandum. The May 4 TIS shows that the streets are adequate to support the anticipated traffic that would be generated by a 34-unit hotel, and that the streets outside the planned area will not be overloaded. According to the May 4 TIS, there will be no substantial impacts to bicycle or pedestrian traffic from a 34-unit hotel.

The traffic impacts from the same layout reduced to 24 units, will be even less.

Other information in the record regarding potential traffic impacts is not sufficient to rebut this evidence.

CONCLUSION: The City Council finds that this criterion is met.

- C. The Planning Commission found that the application meets MZO 4.136(3)(c)(2) and (3). No party appealed those findings to the City Council.**

V. CONDITIONS OF APPROVAL

If the City Council approves the application subject to the following Conditions:

- A. The approval shall be limited to the layout submitted and approved as part of this application, reduced to 24 units. Any modification involving altering the phase boundaries, a change in proposed uses, increasing the proposed building footprints by more than 10% or similar modifications shall require a new application and review to proceed.
- B. Construction for individual buildings shall require a building permit review application and approval. The applicant has the option of submitting a building permit review application for each building, for a group of similar buildings or for all the buildings within a Phase.

- C. Engineering plans for the entire development will be submitted as part of the development of the Phase 1. The applicant shall have the option of installing public facility improvements for the entire project or only for each Phase. Unless otherwise modified by City Public Works, the minimum improved roadway width serving the development shall be 22-feet.
- D. Building permit review applications, and associated engineering plans, for Phase 1 shall be submitted within two years of the date of final approval of this application. Associated submittals for the remaining phases shall be submitted within five years from the date of final approval of the building permit review of Phase 1. Modification to the Phasing or time extensions shall require the review and approval of the Planning Commission.
- E. All stormwater runoff shall be addressed on the subject property. Applicant shall provide a stormwater runoff design plan for approval to the City during the building permit review phase of the project.
- F. Prior to issuance of building permits, the developer shall submit evidence from Tillamook County that the proposed hotel complies, with County regulations regarding the establishment and operation of a hotel/motel.
- G. Operations of the hotel shall continually comply with all necessary health and safety provisions of all State, County and local regulations.
- H. Prior to issuance of Building Permits, the applicant shall submit evidence of the consolidation of the two parcels (Township 3 North; Range 10 West; Section 29D; Tax Lot #2100; Township 3 North; Range 10 West; Section 29DA; Tax Lot #2600) into a consolidated parcel.
- I. Prior to beginning construction, the applicant shall submit the current wetland analysis to the Department of State Lands (DSL) for review and approval. If the DSL requires changes to the layout, these revisions shall require review and approval by the Planning Commission.
- J. The site shall contain the required vehicle parking spaces for the 24 hotel units as determined by Staff. The vehicle parking spaces shall substantially conform to the locations and layout identified on the site plan. Sufficient parking shall be required throughout the development commensurate with the requirements in Ordinance 95-4, Section 4.090.
- K. Applicant is required to clear vegetation west of the site driveway location to achieve at least 225 feet of intersection sight distance, measured from a point 14.5 feet behind the edge of the traveled way on Dorcas Lane, consistent with intersection sight distance requirements in A Policy on Geometric Design of Highways and Streets (AASHTO Manual).
- L. Prior to occupancy of any structure, the developer shall complete the following:

1. Install and/or extend necessary public facility improvements, consistent with City and/or NBWA approved engineering plans.

2. Install parking improvements and landscaping consistent with approved building and engineering plans.

M. Unless otherwise specifically modified by this decision, development of the site shall continually comply with applicable provisions in Ordinance 95-4 including building height, setbacks, parking, lot coverage and other applicable provisions.

N. Compliance with these conditions, the requirements of the Manzanita Zoning Ordinance, Nehalem Bay Wastewater Agency, Nehalem Bay Fire & Rescue, Tillamook County Environmental Health, Department of State Lands and applicable building code provisions shall be the sole responsibility of the developer.

APPROVED BY A MAJORITY OF THE MANZANITA CITY COUNCIL ON THE 28th of JULY 2023.

DATED at Manzanita, Oregon, this 4th day of August, 2023.

SIGNED: Deb Simmons 8.4.23
Deb Simmons, Mayor Date



City of Manzanita

COUNCIL ORDINANCE NO. 25-02

AN ORDINANCE AMENDING ORDINANCE 95-3 AND ORDINANCE 95-4 BY ADOPTING A PLANNED DEVELOPMENT OVERLAY ZONE FOR A RESIDENTIAL PLANNED DEVELOPMENT (MANZANITA PINES)

WHEREAS, on April 14, 2025, the Manzanita City Council approved an application for a planned unit development for the parcels described as Map 3N-10-28, Tax Lot 1403 to construct a multifamily housing development (Manzanita Pines); and

WHEREAS, The Manzanita Zoning Ordinance section 4.136(3)(e)(f)(g)(h) requires planned unit development (PD) to be formally incorporated into the City's zoning framework through a map amendment identifying the parcel as a PD overlay; and

WHEREAS, City Staff provided the necessary notice of the PD overlay to the Department of Land Conservation and Development at least 35 days in advance of the public hearing; and

WHEREAS, the City Council held a public hearing on July 9, 2025, to receive public testimony on the proposed planned development overlay.

Now, Therefore, the City of Manzanita Does Ordain as Follows:

SECTION 1. The following applies only to those parcels described as Map 3N-10-28, Tax Lot 1403:

- a. The City of Manzanita Comprehensive Plan Land Use Map adopted by Ordinance 95-3 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as Special Residential/Recreational-Planned Development on the Comprehensive Plan Land Use Map.
- b. The City of Manzanita Zoning Map adopted by Ordinance 95-4 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as SR/R-PD (Special Residential/Recreational-Planned Development) on the Zoning Map.
- c. The Architectural Site Plan for Manzanita Pines Planned Development described in Exhibit Attached hereto and by this reference incorporated herein is hereby adopted as the Planned Development for the aforementioned property:

SECTION 2. The Findings of Fact and Conclusions described in Exhibit B attached hereto and by this reference incorporated herein are hereby adopted relative to the Manzanita Pines Planned Development described in Section 1 above.

PASSED FIRST READING by the Council this 9th day of July 2025.

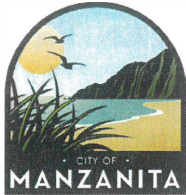
PASSED SECOND READING by the Council this 6th day of August 2025.

APPROVED by the Mayor this 6th day of August, 2025.

Kathryn Stock, Mayor

ATTEST:

Leila Aman, City Manager/Recorder



CITY OF MANZANITA

167 5th Street – Manzanita Oregon 97130
P.O. Box 129, Manzanita, OR, 97130-0129
Phone: (503) 812-2514 | TTY Dial 711
ci.manzanita.or.us

BEFORE THE CITY COUNCIL OF THE CITY OF MANZANITA ORDER

APPLICANT: Keith Daily (Polyphon Architecture and Design, LLC)
LOCATION: Township 3 North; Range 10 West; Section 28; Tax Lot 1401
ZONING: Special-Residential/Recreation (S-R/R)
REQUEST: Planned Unit Development (PUD) for a 60-unit affordable, multi-family housing project

The above-named applicant submitted a Planned Unit Development (PUD) application to construct a 60-unit affordable, multi-family housing project. The Planning Commission held a public hearing on the above request on February 10, 2025, and approved the application. On March 10, 2025, the Planning Commission's decision was appealed by Amy Gunter on behalf of Steven Albrechtsen.

On March 18, 2025, the City Council held a special session and decided to review this matter de novo. The City Council reopened the record as described in its March 21, 2025 Notice of Hearing. On April 14, 2025, the City Council held a de novo land use appeal hearing. At the hearing, the City Council upheld the Planning Commission's decision to approve the application with additional findings and conditions of approval. The Council's supplemental findings addressing the issues raised on appeal (the "Supplemental Findings") are described in Exhibit A to this Order. The Council further adopts and incorporates by reference as its own the findings in pages 1 – 9 of the Staff Report dated April 7, 2025 (the "Staff Report"), and in pages 2 – 17 of Exhibit A to the Order of the Planning Commission dated February 18, 2025 (the "Planning Commission Order"). The Council further adopts the conditions of approval listed in Exhibit B to this Order.

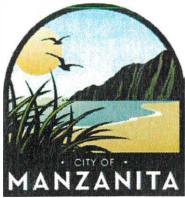
THE CITY COUNCIL OF THE CITY OF MANZANITA HEREBY ORDERS that the Planned Unit Development request be APPROVED and adopts the findings of fact in the Staff Report, Planning Commission Order, and Exhibit A to this Order, and conditions of approval in Exhibit B to this Order, in support of the decision.

Any appeals pertaining to this application must be made to the Land Use Board of Appeals (LUBA) within 21 days of the date a public notice of this Order is mailed. This ORDER constitutes a limited land use decision with respect to any adjustments requested pursuant to Senate Bill ("SB") 1537 (2024), Section 38. The City's decision regarding those adjustments may only be appealed by the applicant.

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The complete record is available for review on line at www.ci.manzanita.or.us/city-council



CITY OF MANZANITA

167 5th Street – Manzanita Oregon 97130
P.O. Box 129, Manzanita, OR, 97130-0129
Phone: (503) 812-2514 | TTY Dial 711
ci.manzanita.or.us

or at City Hall, 167 South 5th Street, Manzanita, Oregon.

City of Manzanita Mayor

Date: April 25, 2025


Kathryn Stock

Exhibit A

Supplemental Findings Addressing Issues Raised During Appeal

The Council adopts the following Supplemental Findings to address certain matters raised on appeal and during the Council's de novo review. Together, these Supplemental Findings and the findings in the April 7 Staff Report and February 18 Planning Commission Order detail the project's compliance, with all applicable criteria, including the Manzanita Zoning Ordinance No. 95-4 ("MZO"), the City Comprehensive Plan, and state law. To the extent there is a conflict among the findings that are not expressly or implicitly adopted in the alternative, these Supplemental Findings supersede the findings in the April 7 Staff Report and February 18 Planning Commission Order.

Certain public comments were not directed at applicable approval criteria. Issues raised in public comment and not addressed in findings are deemed irrelevant to the decision criteria that apply to the application.

A. Procedures before the Planning Commission and City Council

Appellants asserted that the Planning Commission committed procedural error by failing to leave open the record, as required by MZO 10.110(B)(7) and provided for in ORS 197.797(6)(a). During the City Council's de novo hearing, a member of the public raised a procedural issue that the notice of the initial hearing before the Planning Commission failed to include information on SB 1537. As discussed in the Staff Report, , and in these Supplemental Findings any procedural error has been cured.

Following appeal of the Planning Commission's decision, on March 18, 2025, the Council held a special session meeting to determine the scope of the Council's review of the appeal. The Council voted unanimously to hold a "de novo" hearing in accordance with MZO 10.170, meaning that the Council could consider evidence and arguments not already raised at the Planning Commission hearing.

Prior to the Council hearing, the Council also allowed submission of new evidence as follows:

- March 21, 2025 – March 27, 2025: Council re-opened the record to allow submissions of new evidence, testimony, and argument, including any responses to information or materials in the existing record.
- March 28, 2025 – April 3, 2025: Council allowed submission of materials responding to evidence submitted during the March 21, 2025 – March 27, 2025 re-opened record period.
- April 4, 2025 – April 10, 2025: Council allowed the applicant to submit final written argument in support of the application.

The procedures implemented by the City Council, including the de novo hearing and the re-opening of the record prior to the hearing, ensured that appellants and other

interested persons had ample opportunity to present testimony and evidence to the City Council and that no person's substantial rights were prejudiced by the procedural error before the Planning Commission. No individual testified before the City Council that, despite the de novo appeal hearing, their substantial rights to prepare and participate fully in the process was prejudiced.

In addition, the City Council finds that interested persons had ample opportunity to provide comment and evidence on issues related to all applicable review criteria, including SB 1537. The Staff Report dated January 20, 2025, which preceded the Planning Commission hearing, identified SB 1537 as an applicable standard and included findings relating to SB 1537. That Staff Report's discussion of SB 1537 was incorporated in the findings in the Planning Commission's decision, and additional testimony was submitted before the City Council regarding the applicability of SB 1537. Accordingly, all interested persons were put on notice regarding application of SB 1537 to the project.

B. Adjustments to Development Standards

Appellants asserted that the Planning Commission erred by failing to require variances for adjustment of certain development standards for the project. The application requests adjustment of three development standards: (1) maximum building height, (2) minimum parking spaces, and (3) front yard setbacks. As detailed below, each of these three development standards is subject to adjustment pursuant to one or both of SB 1537 and MZO 3.030(4)(b). Approval of the application does not require, and the application does not seek, approval of any variances.

SB 1537 - Mandatory Adjustments:

SB 1537 establishes mandatory adjustments for building height and parking, which the City is required to apply to the project.

SB 1537 was adopted by the Oregon State Legislature and signed into law in 2024 (Or Laws 2024, ch 110). 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. The applicant submitted testimony and evidence demonstrating that the project qualifies for SB 1537 mandatory adjustments, because the project meets the conditions in Section 38(2) of SB 1537. No evidence or testimony was submitted to the contrary, and the Council finds that the mandatory adjustments in Section 38 of SB 1537 apply to the project.

As well, the Council finds that the proper procedures were applied to implement the SB 1537 mandatory adjustment standards. SB 1537 does not establish any additional process requirements related to mandatory adjustments under its provisions. Instead, 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.” Or Laws 2024, ch 110 § 38(3). As permitted by SB 1537, the City applied the mandatory adjustments required by SB 1537 as a part of the City’s existing review process.

Maximum Building Height:

SB 1537 requires the City to allow an “an increase of the greater of: (I) One story; or (II) A 20 percent increase to base zone height[.]” Or Laws 2024, ch 110 § 38(4)(g)(B)(ii).

Under the MZO, the maximum building height in the SR-R zone is 28’6”. The Planning Commission applied a 20% adjustment to increase the maximum building height of the project from 28’6” to 34’2”.

The Council finds that, as applied to the project, an adjustment of “one story” is greater than an adjustment of 20% of the base zone height. State law does not define “one story.” Likewise, the MZO does not define “story.” Based on evidence and testimony submitted by the applicant (based upon the project architect’s explanation), industry minimum standard for the height of one story in a multi-story residential building is at least 9 feet, based on an 8-foot-high ceiling with a minimum of 1-foot structure. This is because at least one foot of structure is needed to achieve the required sound and fire separation between stories. No testimony or evidence was offered challenging the height of “one story” for a multi-story residential building.

Based on the determination that “one story” in this context (i.e., multi-story residential building) means a height of at least 9 feet, Council finds that an adjustment of “one story” (to 37’6”) is greater than an adjustment of 20% of the base zone height (to 34’2”). Accordingly, SB 1537 requires the City to apply the “one story” adjustment to adjust the maximum building height for the project from 28’6” to 37’6”.

The project has a proposed maximum building height of 37’2”, which is less than 37’6”-adjusted height limit required by SB 1537. Thus, SB 1537 requires the City to allow the requested maximum building height of 37’2”. In the alternative, even if SB 1537 did not require the requested height adjustment, the Planning Commission had authority to grant and the City Council also approves the requested height adjustment pursuant to MZO 3.030(4)(B), as discussed below.

Minimum Parking Spaces:

SB 1537 requires full adjustment of minimum parking requirements, meaning that the minimum parking requirement can be completely eliminated. Or Laws 2024, ch 110 § 38(4)(c). Consistent with SB 1537, the Planning Commission granted and the City Council approves adjustment of the minimum parking requirements from 120 spaces to 96 spaces.

MZO 3.030(4)(b) – Discretionary Adjustments:

MZO 3.030(4)(b) states that “[s]tandards 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.” Pursuant to this provision, all development standards in MZO 3.020 apply to development in the SR-R zone, except for standards relating to use and density. For development in the SR-R zone, MZO 3.030(4)(b) gives the Council authority to “relax[]” any of the standards in MZO 3. Based on the plain text and purpose of MZO 3.030(4)(b) to allow “flexibility in design,” the Council interprets that section to authorize adjustment of all development standards in MZO 3.020, except for density and use. MZO 3.030(4)(b) introduces “lot size, setbacks and lot coverage” with the phrase “such as,” which signals that those lot size, setbacks, and lot coverage are examples, rather than an exclusive list, of development standards that may be adjusted. Thus, under MZO 3.030(4)(b), authority to “relax[]” standards is not limited to those standards listed under the section.

Front Yard Setback

The Planning Commission properly exercised its discretion under MZO 3.030(4)(b) to reduce the minimum front yard setback for the project from 20 feet to 10 feet, and the Council approves the setback adjustment. The Council finds that the reduction in the front yard setback enables the proposed residential buildings to be located nearer to “Loop Road” and further from the existing residential development located to the east of the property.

Appellants argued based on MZO 3.020(3)(d) that the front yard setback cannot be reduced beyond 12 feet. MZO 3.020(3)(d) specifies the minimum front yard setback in the R-3 zone, which “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,” but “[i]n no case shall . . . be less than 12 feet.”

This project does not rely on averaging setbacks and instead falls under the 20-foot setback requirement in MZO 3.020(3)(d), which, as discussed above is subject to the relaxation of standards set out in MZO 3.030(4)(b). Additionally, based on its plain text, MZO 3.030(4)(b), allows relaxation of all of the standards in MZO 3.020, except density and use. So even if the 12-foot minimum setback requirement in MZO 3.020(3)(d) applied to this project, it is permitted to be relaxed by development standards in the SR-R zone under MZO 3.030(4)(b). Said another way, there is no evidence that the 12-foot minimum setback requirement in MZO 3.020(3)(d) is exempt from adjustment under the authority provided by MZO 3.030(4)(b). As such, the Council interprets MZO 3.030(4)(b), if it applies, to allow adjustment of the 12-foot minimum setback requirement in MZO 3.020(3)(d).

Maximum Building Height

As stated above, SB 1537 requires the City to allow a “one story” adjustment to the maximum building height, which adjustment accommodates the proposed building height of 37’2”. In the alternative, even if the “one story” adjustment in SB 1537 did not apply, MZO 3.03(4)(B) gives the Planning Commission discretion, and the Council authority on appeal, to adjust the maximum building height for the project to 37’2”. Adjusting the maximum building height to 37’2” allows the three-story residential buildings to be constructed with 9-foot ceilings, which improves the quality and feel of residential dwelling units for residents. In addition, renderings provided by the applicant show that adjusting the maximum building height from 34’2” (reflecting a 20% adjustment under SB 1537) to 37’2” has a negligible effect on the exterior visual impact of the residential buildings.

Appellants argued that MZO 3.030(4)(B) does not allow for adjustment to the maximum building height, because height is not one of the development standards listed in MZO 3.030(4)(B). The Council interprets MZO 3.030(4)(B) as being intended to allow adjustment of all development standards in MZO 3.020 that apply to development in the SR-R zone, except for density and use; this includes maximum building height. Council incorporates by reference its interpretation of MZO 3.030(4)(B), above.

C. Loop Road

The project will receive access via a road, temporarily named “Loop Road,” that will extend from Necarney City County Road to a location slightly north of the northern access driveway for the project. Upon construction, Loop Road is planned to be named “Legacy Place.”

Loop Road is located within “Parcel 1” of the partition plat approved by the City under Planning File No. 24032 (the “Partition”). The Partition identifies a 40-foot-wide access easement over Parcel 1, in the location of Loop Road, to provide access to the subject property. Appellants argued that there is insufficient right-of-way to construct Loop Road in accordance with the City’s street standards. According to the City’s Transportation Systems Plan, Loop Road will be classified as a “local street.” Such local streets are currently referred to as “residential” in the City’s Street Improvements Ordinance, Ordinance No. 91-2, Section 3. A residential street is defined as having a right-of-way of 40-feet and a paving width of 20-feet. Applicant’s proposal for a 40-foot right-of-way and paving width of 20 feet for Loop Road meets the requirements for a residential street in Ord. 91-2. Additionally, a condition of approval requires the applicant to complete construction of Loop Road to the City’s standards and to dedicate the road to the City before the City will issue a certificate of occupancy for any building within the project.

Appellants also argued that Loop Road must extend further westward, to the western border of the property or to Meadow Drive. Nothing in the City’s Subdivision Ordinance No. 95-5 nor in the MZO requires Loop Road to be extended further westward, beyond the terminus of Loop Road that is shown in the site plans. Subdivision Ordinance No. 95-5, Section 39(4), Future Street Extension, states: “[w]here necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turn-around.” This section requires extension to the boundary of a subdivision or partition only where “necessary to give access to, or permit a satisfactory future division of adjoining land.” Such extension is not required to provide access to the subject property or to properties to the west of the subject property because those properties have direct access to Meadow Drive or Necarney City County Road.

D. Consistency with Comprehensive Plan and Application of MZO 4.136(3)(c) Standards.

To the extent the City’s decision constitutes a limited land use decision, MZO 4.136(3)(c)(2) is inapplicable. *Cerelli v. Manzanita*, Or LUBA 2022-073, at 23 (2023) (remanding for reconsideration because City erred in relying on its comprehensive plan as a basis to deny limited land use decision).

To the extent that MZO 4.136(3)(c)(2) applies, the City finds that the resulting development is not inconsistent with the Comprehensive Plan or zoning objectives of the area for the reasons described in these Supplemental Findings, the Staff Report, and the Planning Commission Order. The Council further adopts and incorporates as its own the findings in pages 6-13 of the applicant’s narrative dated January 2, 2025, addressing Comprehensive Plan consistency.

The Council further finds that applicant's self-imposed conditions offered at the Council's de novo hearing also support this conclusion. For instance, multiple public comments requested construction of a privacy fence along the eastern edge of the project, to mitigate any visual impacts of the project. In response to this testimony, the applicant offered and agreed to a condition of approval requiring construction of a privacy fence. In addition, the applicant offered and agreed to a condition of approval requiring the applicant, in consultation with the applicant's arborist and civil engineering consultants, to make all reasonable efforts to protect existing vegetation within a 10-foot buffer along the eastern edge of the subject property. The privacy fence and vegetation buffer mitigates potential visual impacts of the project on the abutting, existing residential neighborhood, which further protects the character of the existing residential neighborhood and increases the compatibility of the project with that neighborhood.

The applicant also submitted testimony that "[c]ertain standards in MZO 4.136(3)(c) do not appear to be 'clear and objective,' as those terms have been interpreted and applied by Oregon courts," and as required under ORS 197.400(1). The Council acknowledges the applicant's testimony, and that no testimony, evidence, or argument was presented that contradicts the applicant's testimony. The Council has determined that the application meets all applicable criteria in MZO 4.136(3)(c). In the alternative, in light of the lack of any argument, testimony, or evidence to the contrary, the Council finds that to the extent the standards in MZO 4.136(3)(c)(1)-(3) are not clear and objective and that these criteria do not apply to the application.

E. Open Space

The application includes a 1.88-acre natural area, open space located in the northern portion of the property. The 1.88-acre natural area comprises approximately 40.6% of the site. The 1.88-acre natural area is in addition to and does not include the open plaza, playground, stormwater swales, or other landscaped portions of the property.

The Council finds that locating the 1.88-acre open space area in the northern portion of the subject property allows the applicant to cluster development in the southern portion of the property, away from the Beaches and Dunes Overlay Zone (MZO Section 3.080) identified on the City's zoning map. Although the northeastern portion of the subject property is located within the Beaches and Dunes Overlay Zone, the project does not propose any development within overlay area.

The applicant offered and agreed to a condition of approval requiring that a legal instrument be recorded that permanently reserves the 1.88-acre area as open space and the Council adopts this condition as reflected in Exhibit B.

F. Traffic Impacts – MZO 4.136(3)(c)(5)

The applicant provided a Transportation Impact Analysis (TIA) prepared by Mackenzie, dated November 19, 2024, and a revised TIA, dated February 4, 2024 (the "Revised TIA"). The Revised TIA concluded that:

- The project will not cause any study intersections to operate beyond acceptable levels and the project will not cause vehicle queues to exceed available storage at those intersections.
- Although minimum required sight distance for the proposed intersection between Loop Road and Necarney City County Road will be addressed through the design process, adequate sight distance appears to be available.
- Based on traffic volumes at the intersection of Loop Road and Necarney City County Road, left turn lanes are not required.

The applicant also provided a supplemental memorandum from Mackenzie, dated April 10, 2025, addressing testimony regarding traffic impacts from the project on Necarney City County Road.

Based on the findings in the Revised TIA, and the April 10, 2025 memorandum from Mackenzie, the Council finds that the streets are adequate to support anticipated traffic from the project and that the project will not overload the streets outside of the project area.

Exhibit B

Conditions of Approval

The City Council approves the application subject to the following conditions:

- A. The preliminary approval shall be limited to the layout submitted, and approved, as part of this application and include the following:
 - 1. The minimum front yard setback shall be 10-feet.
 - 2. The site shall include a minimum of 96 vehicle parking spaces and 32 bicycle parking spaces.
 - 3. The maximum building height for any structure shall be 37-feet, 2-inches.
- A. The final plan shall be approved within two years of the final date of approval.
- B. The applicant shall submit evidence confirming that adequate intersectional sight distances shall be available at the "Loop Road" at Necarney City Road intersection as part of its design process. This evidence shall be prepared by a licensed individual and shall be reviewed and approved by the City prior to commencing construction of any one structure. The plans must be stamped by a licensed Engineer.
- C. No one structure shall be occupied until such time the proposed "Loop Road" is platted and dedicated to the public. During construction, "Loop Road" shall be sufficiently improved, according to Nehalem Bay Fire District requirements, to ensure emergency vehicle access.
- D. The applicant will construct a privacy fence along the eastern border of the property, which fence shall extend approximately from the southern border of the property to the northern edge of the parking lot.
- E. The applicant will record a legal instrument permanently reserving the 1.88-acre natural area as open space.
- F. In consultation with its arborist and civil engineering consultants, the applicant will make all reasonable efforts to protect existing vegetation within a 10-foot buffer along the eastern edge of the property.
- G. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.



City of Manzanita

COUNCIL RESOLUTION No. 25-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANZANITA, OREGON, AMENDING RESOLUTION 24-11 ADOPTING THE BUDGET, LEVYING TAXES, CATEGORIZING TAXES AND MAKING APPROPRIATIONS FOR FISCAL YEAR 2024-2025.

WHEREAS, on April 30, 2024, the City of Manzanita held a Budget Committee meeting to receive the proposed budget for fiscal year 2024-25; and

WHEREAS, the Budget Officer proposed an allocation of \$29,651 to the Parks Department and \$49,695 to Municipal Court Department within the General Fund; and

WHEREAS, on May 7, 2024, the Budget Committee of the City of Manzanita approved the budget for the fiscal year 2024-25 with the proposed allocations to the Parks and Municipal Court departments; and

WHEREAS, on May 29, 2024, the City Council of the City of Manzanita adopted the annual City budget as proposed for fiscal year 2024- 25 in the sum of \$23,033,043; and

WHEREAS, on June 25, 2025, staff discovered a scrivener's error in Resolution 24-11 adopting the budget for fiscal year 2024-25 reversing the proposed expenditures by allocating \$49,695 to Parks and \$29,651 to Municipal Court in the General Fund; and

WHEREAS, the Oregon Local Budgeting Manual anticipates that scriveners' errors may occur in the published budgeting documents and suggests a process to resolve those by correcting the error is testimony at the first regularly scheduled meeting of the governing body after the error is found.

Now, Therefore, be it Resolved by the City Council of the City of Manzanita that Resolution 24-11 Adopting the budget, levying taxes, categorizing taxes and making appropriations for the fiscal year commencing July 1, 2024 to June 30, 2025 is hereby amended to reflect \$29,651 allocated to Parks and \$49,695 to Municipal Court within the General Fund.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Kathryn Stock, Mayor

ATTEST:

Leila Aman, City Manager/ City
Recorder

ORDINANCE NO. 05-02

**AN ORDINANCE RATIFYING TILLAMOOK COUNTY ORDINANCE NO. 64, AND
REPEALING ORDINANCE NO. 87-1 RELATING TO DOG CONTROL**

WHEREAS, on December 15, 2004 the Board of Commissioners for Tillamook County adopted Ordinance No. 64 relating to dog control; and

WHEREAS, in order for the County Ordinance to be effective within the City limits of Manzanita, the City must ratify the Ordinance; and,

WHEREAS, the City Council deems it to be in the best interest of the health and safety of Manzanita residents to apply the County dog control Ordinance within the City limits of Manzanita; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1: Ratification The City Council hereby ratifies Tillamook County Ordinance No. 64 Prohibiting the Running of Dogs at Large; Providing for the Licensing, Impoundment and Care of Dogs; Providing for the Applicability of this Ordinance within Certain Incorporated Cities; Repealing Prior Enactments and Establishing Penalties for Violations of this Ordinance.

SECTION 2: Removal of Animal Waste from Public Areas Any person in physical possession and control of any dog on a public place shall remove excrement or other solid waste deposited by the dog in any public area not designated to receive such waste, including but not limited to streets, sidewalks, parking strips, public parks, and public areas.

SECTION 3: Penalties In addition to any other remedies under law, violation of Section 2 of this Ordinance is punishable upon conviction by a fine not to exceed \$500.

SECTION 4: Manzanita Ordinance No. 87-1 and all other ordinances and orders or parts of ordinances or order, in conflict herewith, are hereby repealed.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of Prohibiting the Running of Dogs)	
at Large; Providing for the Licensing, Impoundment)	ORDINANCE
and Care of Dogs; Providing for the Applicability of)	
this Ordinance within Certain Incorporated Cities;)	# <u>64</u>
Repealing Prior Enactments and Establishing)	
Penalties for Violations of this Ordinance; and)	
Declaring an Emergency)	

The Board of Commissioners for Tillamook County, Oregon, ordains as follows:

Section 1. Definitions

"**Enforcement Officer**" means any law enforcement officer, dog control officer, public official or code enforcement officer as designated by Tillamook County or incorporated city which has consented to jurisdiction of this ordinance.

"**Run at Large**" or "**Running at Large**" means any dog not confined to the premises of its owner, unless in or upon any vehicle or restrained by a leash, tether or other physical control device not to exceed 8 feet in length and under the physical control of a person, whether or not the owner of such dog, or which enters upon land of another person or of a lawful occupant without authorization of that person or lawful occupant, or which is not within the complete control of the owner.

"**Owner**" means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over or knowingly permits any dog to remain housed by such person or legal entity.

"**Board of Commissioners**" or "**Board**" means the Board of County Commissioners for Tillamook County.

Section 2. Running at Large Unlawful

Hereafter it shall be unlawful for any owner of a dog to suffer or permit such dog to run at large.

Section 3. Impoundment

Any enforcement officer is hereby authorized to impound any dog running at large as defined in this ordinance.

Section 4. Disposition of Impounded Dogs

If the owner of an impounded dog does not claim and redeem an impounded dog within the period of five days from and including the date of impoundment, the County may cause the dog to be transported to any humane society within or without Tillamook County, that is willing to take the dog.

Section 5. Conditions For Release of Impounded Dog

Any dog impounded pursuant to the provisions of this ordinance may be released to the owner by the impoundment facility operators during its regular business hours upon payment to the facility operators the expense incurred in the housing and maintenance of the dog.

Section 6. Fees and Penalties for Impounded Dogs

Following the release of any dog impounded pursuant to the provisions of this ordinance, the owner of the dog shall pay to the County Clerk at the Tillamook County Courthouse, during regular business hours:

- A. an impoundment fee of \$25.00 for the first impoundment, \$50 for the second impoundment, or \$100 for each subsequent impoundment; and
- B. if unlicensed, the applicable license fees as provided in Section 9 of this ordinance.

Section 7. Barking Dogs

No person who is the owner of a dog, or who has or shares the care, custody, possession or control of a dog shall allow the dog to bark loudly or with such frequency as to cause discomfort to other persons. Once a complaint has been received by an enforcement officer, a citation may be issued for violation of this section if a complaint is signed by the person complaining of the barking dog.

Section 8. Licenses

A. Every owner of a dog residing within the unincorporated areas of Tillamook County, or within the city limits of an incorporated city which has consented to jurisdiction of this ordinance, and which dog has grown permanent canine teeth or has attained the age of six (6) months, whichever event occurs first, shall immediately obtain a license for the dog.

B. Licenses shall be valid from January 1st to December 31st and are renewable on January 1st of each year, provided further that a penalty of \$3.00 shall be collected for each dog not licensed after March of each year. The licensing program shall become effective on January 1, 2005.

C. No license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the licensing department.

D. For record purposes, a new owner of a licensed dog is required to notify the licensing department within thirty (30) days at no additional cost to the new owner.

E. A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee.

F. Licenses shall be issued through the Tillamook County Clerk's office at the County Courthouse in the City of Tillamook during regular business hours.

Section 9. License Fees

The dog license fee which is due and payable upon the issuance of a license, and the other license fees required to be paid under the provisions of this ordinance, shall be as follows:

Dog license fee - not neutered fee	\$25.00
Dog license fee - neutered fee.....	\$5.00
Dog license fee - not neutered fee, owner 65 years or older....	\$9.00
Dog license fee - neutered fee - owner 65 years or older.....	\$3.00
Duplicate license.....	\$2.00
Late license penalty fee (additional).....	\$3.00

A. No license fee shall be required for any dog owned by a blind person who uses the dog as a guide. A license shall be issued for such a dog upon proper proof of rabies vaccination and upon filing an affidavit by the blind person showing such dog to come within this exemption. Such affidavit shall be filed with the licensing department.

B. No license fee shall be required for any dog used as an "assistance animal" as defined by ORS 346.680.

C. Dog owners applying for a reduced fee for a neutered dog must present to the licensing department a certificate from a licensed veterinarian stating that the dog to be licensed has been neutered.

D. For dogs acquired after July 1 of each year, the dog license fees shall be:

Dog license fee - not neutered fee	\$6.00
Dog license fee - neutered fee.....	\$2.50
Dog license fee - not neutered fee, owner 65 years or older...	\$4.50
Dog license fee - neutered fee - owner 65 years or older.....	\$1.50

Section 10. Entry onto Private Property

Any enforcement officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of this ordinance, but such officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

Section 11. Disposition of Funds

The expense of administering the dog control program under this ordinance and any other expenses incurred in the enforcement of this ordinance shall be paid from the Dog Control Fund within the General Fund, as is specified in the budget of Tillamook County and all monies received from dog license fees, penalties, or other income attributable to this ordinance shall be credited to this fund, and used exclusively for the purposes set forth herein.

Section 12. Animal Confinement

A. It shall be unlawful for any person to allow or permit any animal to be confined within or on a motor vehicle, or at any location, under such conditions as may endanger the health or well being of the animal, including but not limited to dangerous temperature, lack of food, water or attention, or confinement with a dangerous animal.

B. No enforcement officer shall be held criminally or civilly liable for action pursuant to this section, provided the officer acts in good faith, or with probable cause and without malice.

Section 13. Applicability

A. This ordinance shall apply within the unincorporated areas of Tillamook County as well as within those incorporated cities that have consented to the jurisdiction of this ordinance, as indicated by the signature of its designated public official contained herein.

Section 14. Severability

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other section, subsection, provision clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

Section 15. Penalties

A. In addition to any other remedies under law, failure to procure a license in accordance with ORS 609.100 and this ordinance shall be deemed a violation and punishable upon

conviction by a fine of not more than \$100. This fine shall be separate from and in addition to required licensing fees and penalties established under this ordinance.

B. In addition to other remedies under law, violation of Sections 2, 6, 7 and 12 is punishable upon conviction by a fine of not less than \$100, nor more than \$500, plus court costs and the actual cost and expense incurred by the County in the seizure, holding, treatment, maintenance and disposition of a dog which was permitted by its owner or the person having or sharing the care, custody, possession or control of the dog, to violate any portion of this ordinance.

Section 16. Repeal

Tillamook County Ordinance No. 6 and all other ordinances and orders or parts of ordinances or order, in conflict herewith, are hereby repealed.

Section 17. Declaration of Emergency

This ordinance being necessary for the immediate preservation of the public peace, health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect upon its passage.