



CITY OF MANZANITA
Development Services
655 Manzanita Avenue – Manzanita Oregon 97130
P.O. Box 129, Manzanita, OR, 97130-0129
Phone: (503) 812-2514 | TTY Dial 711
devservices@ci.manzanita.or.us

NOTICE OF DECISION
Planning File #26049 – Subdivision

I. BACKGROUND

- A. APPLICANT: Manzanita Development Group, LLC.
- B. PROPERTY LOCATION: The property is located to the east of Classic Street, between Highlands Drive and Meadows Drive. There is no site address, and the County Assessor map places the property within Township 3 North; Range 10 West; Section 28D; Tax Lot 104.
- C. PARCEL SIZE: The property contains approximately 3.46 acres.
- D. EXISTING DEVELOPMENT: The subject property fronts along two public streets and public sewer, water, and storm facilities are available.
- E. ZONING: Middle Housing 3 (MH-3).
- F. ADJACENT ZONING AND LAND USE: All adjacent land is zoned MH-3 containing a mix of subdivision lots and open space.
- G. REQUEST: The applicant is requesting approval to establish a 26-lot, townhouse Subdivision.
- H. DECISION CRITERIA: The following Ordinance provisions apply: Ordinance 95-5, Article 2 (Design Standards), Article 3 (Street Standards), Article 6 (Subdivisions); and Ordinance 95-4, Section 3.010 MH Zones

II. APPLICATION SUMMARY

- A. The applicant wishes to create 26 lot, townhouse subdivision, featuring the following:
 - 1. Townhouses will occupy 24 of the lots, with one lot containing a community building and a second lot remaining vacant for future development. There are 12 pairs of townhouses sharing a common wall and common driveway.
 - 2. The townhome-lots (Lots 1-24) range in size from 2,398 to 4,408 square feet. The lot dedicated to the community building (Lot 25) contains 11,985 square feet of

area while the remaining lot (Lot 26) for development contains 27,939 square feet. Groups of townhomes will also contain common open space areas shared by the residents. Currently, there are no plans to develop these open space areas with physical improvements. A homeowners' association will be responsible for maintaining shared community spaces.

3. A 14-foot, one-way shared access connects the townhome driveways with three points of access to Meadows Drive: next to Lot 1, across from Lot 17, and next to Lot 25. The applicant did not provide information on the entry/exit points of the one-way access. In addition, there will be a walkway/stairway connecting Highland and Meadow Drives, located between Lots 14 and 15.
4. All homes will have vehicle access, and driveway entrance, off the shared access. However, due to existing slopes, most homes on the north side of the project will have the home entrance off Highlands Drive.
5. The proposal call for three development phases: Lots 1 to 8; Lots 9 to 16; and Lots 17 to 25. Phasing also applies to facility improvements.
6. A homeowners' association is responsible for maintaining any open space areas and the shared access. The City Attorney must review and approve the association document prior to final platting.

B. The City requested affected agencies submit comments regarding the proposal, and received the following:

1. Nehalem Bay Wastewater Agency confirmed the availability of sewer service for the project.
2. Nehalem Bay Fire & Rescue determined the proposed shared access meets with the Tillamook County Fire Defense Road Access Guidelines.
3. City of Manzanita Public Works Department submitted a letter indicating public water service is available.

C. As part of the application process, the City notified area property owners of the proposal. Prior to the submittal deadline, the City received several comments from area owners. Briefly:

1. Traffic Volume and Roadway Capacity
 - Additional traffic on Highlands Drive and Classic Street.
 - Existing narrow streets and pedestrian conflicts.
 - Cumulative traffic from Highlands' development and other development.
 - Whether Classic Street can safely accommodate projected traffic.
2. Primary Vehicle Access from Meadows Drive
3. Parking Along Highlands Drive and Surrounding Streets

- Visitor parking along Highlands Drive, Classic Street, or Meadows Drive.
 - On-street parking narrowing travel lanes.
 - Emergency vehicle access.
 - Adequate parking for residents, visitors, deliveries, and service vehicles.
4. Pedestrian and Bicycle Safety
 5. Emergency Vehicle Access
 6. Classic Street Design and Adequacy
 - Classic Street width and pedestrian facility.
 - Whether the recent reconstruction complies with current standards.
 - Whether lots should take driveway access from Classic Street.
 - Additional right-of-way or frontage improvements.
 7. Driveway Access to Classic Street and Future Lot 26 Access
 8. Wildlife Habitat, Elk Movement, and Wildlife Corridor
 9. Open Space and Preservation of Natural Vegetation
 10. Grading, Slope Stability, Retaining Walls, and Erosion Control
 11. Buildability and Detailed Engineering
 12. Water, Sewer, Stormwater, and Infrastructure Capacity
 13. Construction Noise, Duration, Garbage, Portable Toilets, and Neighborhood Disruption
 14. Density, Cumulative Growth, Neighborhood Character, and Visual Impacts
 15. Easements, Setbacks, Landscaping, and the Highlands HOA Irrigation Line
 16. Public Notice Adequacy
 17. Prior Grading or Vegetation Removal Without Permits and City/Developer Relationship

The report will address each of the comments either in the findings or through a summary discussion in Section IV, of this report.

- D. Ordinance 95-5 permits residential subdivisions as a Type II application review. Article 6 contains the subdivision provisions, while Ordinance Article 2 and 3 address design and street standards, respectively. Section III., of this report reviews the relevant provisions for a subdivision.
- E. The notice for this application incorrectly identified this area as being zoned MH-2. The correct zoning is MH-3. For the record, both zones allow a subdivision and contain identical development requirements, such a housing types and lot size requirements. The only significant difference is that the MH-3 zone allows hotels, while restricting such uses as government structures and manufactured home parks. Therefore, since the regulations covering the proposed townhome subdivision are identical, this minor error does not preclude processing the request. Regardless, the Ordinance requires the City to review the material under the MH-3 regulations.
- F. Ordinance 95-5 contains regulations addressing land divisions. Given the project included townhomes, there were two options: conventional subdivision (Article 6), or middle housing subdivision (Article 9). As the project density did not comply with middle housing

requirements, a conventional subdivision was the only available option. Therefore, provisions in Article 6 govern the review.

III. CRITERIA AND FINDINGS – SUBDIVISION

- A. Article 6, Sections 6.010(A) to (C) establishes the application and review process, along with the submittal requirements.

FINDINGS: A subdivision creates four or more lots in a calendar year. The 26-lot proposal is therefore a subdivision. The Type II land use process regulates all subdivisions. This is a staff-level review with prior notice to area property comments requesting comments. This application and report conform with this process. Finally, staff determined the application complies with the submittal requirements.

Submitted area property owner raised questions concerning notification. For the record, Ordinance 95-5, Section 7.020(E) requires the City to notify property owners within 300-feet of the subject property. The City used GIS to establish the required list and mailed notice of the submittal on July 14, 2026, to 51 addresses. Property owners outside the 300-foot area did not receive a notice. For the record, Section 5 of the prior land division Ordinance limited notice only 250-feet.

- B. Section 6.010(D) establishes the review criteria:

1. Section 6.010(D) (1) - Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless the Planning Commission approves a variance from these standards.

FINDINGS: Per Section 3.010, of Ordinance 95-4, the minimum lot size for a townhouse is 1,500 square feet. As noted, the lots range in size from 2,398 to 4,408 square feet in area, thereby complying with this requirement. No other lot dimension requirements apply.

With a minimum lot size of 1,500 square feet, there is the potential (though unrealistically given topography and parcel shape) for 105 townhouse lots. Even if developed as a middle housing townhouse project, the minimum density would be 16 units or approximately 58 units (Ordinance 95-4, Section 4.165.3.). It appears that on balance, the layout allows reasonable levels of development but at well below the potential density.

2. Section 6.010(D)(2) - Adequate public facilities shall be available to serve the existing and newly created lots.

FINDINGS: Public comments raised concerns about the adequacy of public facilities. Based on the submittals from Manzanita Public Works and Nehalem Bay Wastewater Agency, public facilities are available to serve the property – the agencies did not identify any capacity issues. Further, the Nehalem Fire and

Rescue District did not identify any issues regarding provisions for emergency services. Finally, as noted further in this report, the Fire District stated the shared access driveway is acceptable.

3. Section 6.010(D)(3) - The proposed subdivision complies with the design and layout standards in Section 6.020.

FINDINGS: Sections D., and E., below, review compliance with design provisions in Section 6.020.

- C. Section 6.010(E) contains phased development provisions. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time for any phase be greater than two years without reapplying for a tentative plat, and all phases of the subdivision shall be platted within 10 years of the original date of the final decision. The specific criteria require public facilities constructed in conjunction with or prior to each phase and the prohibition of temporary public facilities.

FINDINGS: The proposal calls for three phases. This is an administrative provision, and approval requires the developer submit the final plat for Phase 1 within two years of a final decision.

- D. Section 6.020 establishes the subdivision design requirements. Subsection (A) requires all projects to comply with the design standards in Article 2, reviewed below:
 1. Section 2.010(A) & (B) - These Sections note provisions in Article 2 apply to all land division provisions except for Middle Housing land divisions. As a subdivision subject to Article 6, provisions in Article 2 apply to the request.
 2. Section 2.020(A) – Property with steep slopes requires increases in the minimum lot area where the slope of the ground exceeds 10% in any direction for more than 60% of the buildable area of a lot or parcel, the area shall increase according to the following table:

11 to 15% slope	Minimum area plus 20%
16 to 20% slope	Minimum area plus 50%
21 to 25% slope	Minimum area plus 100%
Over 25% slope	Minimum area plus 200%

FINDINGS: Lots 16 through 20 have a slope of between 16 and 25%, requiring up to a 100% increase in the lot size to 3,000 square feet (1500 x 2 = 3,000). These lots all exceed 3,000 square feet in area and comply with this standard.

Lots 11 through 15 do not comply with the above noted requirement. However, it is possible to adjust the lot lines, thereby increasing the minimum lot area to comply with requirements in this subsection. Adjusting the boundaries may result in the elimination of two lots. This does not impact the proposed type of development,

would be significantly similar to the proposal, and may proceed provided the total number of townhomes does not exceed 24 units. Finally, such adjustments will not affect the shared roadway, as the homeowners' association remains responsible for continued maintenance regardless of the location of the property boundaries.

3. Section 2.020(B) - All new residential lots or parcels shall provide a minimum of 20-feet of frontage on an existing or proposed public street, or 25-feet of frontage along a cul-de-sac. A private street or private access easement may access a residential lot or parcel when developed in accordance with the provisions of Section 3.020 when it is determined that a public street access is: (a) infeasible due to parcel shape, terrain, or location of existing structures; and (b) unnecessary to provide for the future development of adjoining property. All new lots or parcels for commercial, industrial, or public uses must provide, at a minimum, street frontage wide enough for a driveway. Alternatively, a commercial, industrial, or public property may use a private street or private access easement when in compliance with items (a) and (b) in subsection (B)(1) above.

FINDINGS: All lots comply with this standard either fronting a public street (Highlands) or the proposed shared access. The staff report reviews the shared access provisions in item E.2.f., below. As noted in that item, the unusual shape of the parcel and existing topography leave the creation of a shared access as the only reasonable alternative to serve the property.

4. Section 2.020(C) – This subsection includes provisions for the creation of flag lots.

FINDINGS: This provision does not apply as the layout does not contain flag lots.

5. Section 2.020(D) - The layout shall avoid through lots except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography.

FINDINGS: Highland Drive borders the site along the north, and Meadows Drive along the south, thereby creating the potential for through lots. However, there is an intervening shared access which parallels Meadows Drive acting as a marginal access street, thereby avoiding the creation of through lots. In addition, the shared access provides access to the individual garages, thereby avoiding the direct placement of 12 shared driveways on Meadows Drive.

6. Section 2.020(E) - The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.

FINDINGS: The property's location and shape do not lend it to traditional grid layout with right-angles to the adjacent streets. However, the layout logically accommodates the type of housing without creating any unusually shaped, or difficult to develop, lots.

7. Section 2.020(F) - Where necessary to accommodate public utilities, the lot or parcel shall include an easement within the easement width conforming to the applicable public and/or private utility standards.

FINDINGS: Existing public facilities are located within the public rights-of-way. The shared access will also contain facility easements to serve the individual homes. For the record, the final subdivision plat must include and identify these easements.

8. Section 2.020(G) - All lots must meet the minimum lot size requirements of the zone; lot averaging is prohibited.

FINDINGS: As noted, except for Lots 11 to 15, each lot complies with the minimum lot area requirement. The developer has the option of revising the property boundaries, eliminating two lots, or combine these options to comply with the area standard.

- E. Section 6.020(B) - In addition, the subdivision shall comply with the following layout design standards, where applicable.

1. 6.020(B)(1) - General. The length, width, and shape of blocks shall provide adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

FINDINGS: The parcel shape and topography does not lend itself to the traditional grid pattern of creating blocks. However, as the site plan shows, the layout includes adequate building sites allowing development to meet setbacks and other development requirements.

2. 6.020(B)(2) - Street. The street system shall comply with applicable public and private street standards in Article 3, including required improvements. The following subsections review provisions in Article 3.
 - a. Section 3.010(A) & (B) – Item (A) establishes general provisions for public streets including minimum width and improvement requirements. Specific items address alignment, future street extensions, intersection angles, existing streets, half-streets, cul-de-sacs, street names, grades and curves, and marginal access streets. Subsection (B) contains construction specifications.

FINDINGS: The subdivision does not include new public streets, as the existing Highland Drive and Meadows Drive provide the necessary access

to the lots, to the homes (Highland) and garages (shared access off Meadows). Therefore, provisions in Section 3.010 (A) and (B) do not apply.

- b. Section 3.020(A) establishes requirements for private streets while 3.020(B) establishes requirements for private access easements.

FINDINGS: The proposal does not include a private street or private access easement but proposes a shared access driveway serving the 12 shared driveways. As noted, the report reviews the access provisions in item E.2.f., below.

- c. Section 3.020(C) establishes requirements for shared driveway access. Per the requirements, two adjacent lots or parcels fronting a public or private street may share a single driveway access, provided the minimum easement width is 18 feet with a 12-foot paved surface. Provision for the maintenance of the shared driveway access require a maintenance agreement, homeowner's association, or similar instruments acceptable to the City.

FINDINGS: The layout contains 12 pairs of shared driveways. The proposed widths are 20-feet. This width exceeds the minimum standard. Provided the shared driveway pavement is at least 12-foot wide, the proposal complies. These shared driveways connect to a 14-foot one-way shared access driveway. While this access does not meet the established standards, subdivision provisions allow modification of the transportation requirements under certain circumstances. Item "f." of this subsection reviews the modification.

- d. Section 3.030(A) to (D) identifies the improvement requirements for public streets. These cover general provisions for right-of-way dedication, improvements to existing streets, requirements for proposed streets, and the extent of these improvements.

FINDINGS: As noted, the layout does not include new public streets. Further, Department of Public Works did not identify the need for dedication of right-of-way along Highland or Meadows Drive.

- e. Section 3.030(E) allows for the modification to standards contained in Article 3. Modifications must be reviewed during the land use process as part of a Type II application. A modification request concerns a deviation from the general design standards for public facilities, in this Article or Chapter 3 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:
 - (1) Reduced sight distances.
 - (2) Vertical alignment.
 - (3) Horizontal alignment.

- (4) Geometric design (length, width, bulb radius, etc.).
 - (5) Design speed.
 - (6) Crossroads.
 - (7) Access policy.
 - (8) A proposed alternative design which provides a plan superior to these standards.
 - (9) Low impact development
 - (10) Access Management Plans
- f. Section 3.030(G) establishes the criteria for a modification. Modifications may be granted for street improvements when any one criterion are met:
- (1) Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Manzanita Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.
 - (2) Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
 - (3) A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
 - (4) An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
 - (5) Application of the standards of this chapter to the development would not be roughly proportional to the impacts created by the development.

FINDINGS: The modification includes changes to the geometric design e.(2), effectively proposing an alternative design which provides a plan superior to these standards e.(8).

This is an unusually shaped and located property, bordered to the north and south by two public streets. The topography inhibits the ability to create a traditional grid pattern, therefore requiring an alternative means to serve the site. Conventional subdivision design would place the driveways along Meadows Drive. This would impact on traffic safety (pedestrian, bicycle, and vehicle) due to limited driveway separation and the fact vehicles would be backing onto Meadows Drive. The shared access acts as marginal access street, allowing safe exit from individual driveways and providing controlled access to Meadows Drive. On balance, this option improves public safety.

3. 6.020(B)(3) - Block length and access spacing. Proposed block length and access spacing shall extend the existing grid pattern where present.

FINDINGS: This provision does not apply as the layout does not include new public streets, nor does the layout integrate within an existing block system.

4. 6.020(B)(4) - Access and Spacing for Highway 101. Access and road spacing standards for Highway 101 within the City and arterials shall conform to the current Oregon Highway Plan (OHP) access management spacing standards.

FINDINGS: The requirements do not apply as the parcel is not located along Highway 101.

5. 6.020(B)(5) - Traffic Circulation. The subdivision layout shall provide safe, convenient, and direct vehicles, bicycles, and pedestrian access to nearby residential areas, neighborhood activity centers (e.g., schools and parks), shopping areas, and employment centers.

FINDINGS: The layout maintains frontage along two public streets, where sidewalks exist or required. There are no impediments to vehicle and pedestrian access to the site or area properties. The walkway/stairway connecting Highland with Meadows Drive further enhances pedestrian circulation through the property.

6. 6.020(B)(6) - Connectivity. The City shall require the following:
 - a. Stub-End Streets: Where the potential exists for additional residential development on adjacent property.
 - b. Accessways: Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped, or blocks longer than 600-feet, to provide for public paths accessing nearby residential areas, neighborhood activity centers (e.g., parks, schools), shopping areas, and employment centers.

FINDINGS: This provision does not apply as the site does not have the potential to create additional residential development on adjacent property. Development of the larger vacant lot (Lot 26) requires a separate land use review to address these issues.

7. 6.020(B)(7) - Design Standards for Accessways. Pedestrian/bicycle accessways at the ends of cul-de-sacs shall meet the following design standards:

FINDINGS: The layout does not contain a cul-de-sac requiring an accessway. However, the layout includes a walkway/stairwell connecting Highland and Meadows Drives, thereby improving pedestrian access to area properties and through the site.

8. 6.020(B)(8) - Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600-feet from either a subdivision access street or other accessway.

FINDINGS: This provision does not apply as the site is not located adjacent to an arterial or collector street.

F. Section 6.030 establishes improvement procedures and requirements.

1. 6.030(A) establishes requirements for bonding the public facility improvements.

FINDINGS: This is not a criterion but is an administrative requirement to ensure completion of public improvements. Bonding agreements must be in place prior to submittal of the final plat. Bonding may be in the form of a surety bond, personal bond, or cash.

2. Section 6.030(B) identifies improvement requirements. This includes installation of water supplies, storm sewer and sanitary sewer facilities, sidewalks, streets (or access), streetlights, and signs. Improvements must comply with approved engineering plans. The developer may postpone curb cuts and driveways until such time a building permit is issued. For clarification, all required improvements under this Article are to City standards or assured through a performance bond, or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the Subdivision.

FINDINGS: This is not a criterion but a list of the improvements requiring installation as part of the development. For clarification, prior to approval of the final plat, the developer shall complete all improvements required under this Article to City standards or assure completion through a performance bond or other instrument acceptable to the City Attorney.

3. Section 6.030(C) - Improvement Procedures. Improvements installed by a developer must conform to the improvement standards and specifications adopted by the City. These improvements are subject to engineering plan review, notification, and inspection. All facilities must be located underground and as-built drawings submitted. The Nehalem Bay Wastewater Agency Sanitary reviews sewer service plans, the City reviews water, storm water, and street improvements.
4. Section 6.030(D) & (E) - Form of Final Plat and Review and Requirements. The final plat shall be prepared in a form and with information consistent with ORS 92.010 through 92.160 and approved by the County Surveyor. The City Attorney must review any homeowner association agreements and associated easements prior to recording. Once the City Engineer confirms the plat complies with the approval and required improvements, the City Manager may sign the plat and applicant record the document in Tillamook County.

FINDINGS: This is the final part of recording the document. For the record, the developer must record the plat within two years of a final decision; the City may grant a one-year time extension. Failure to comply with the time limit requires the submittal of a new application. Barring any time extensions, the developer must plat all three phases within 10-years of the final approval.

- G. The proposal includes a lot reserved for a community center. Ordinance 95-4, Section 3.010 permits a public or private park or recreational facility within the MH-3 zone. Section 4.090 (Off-Street Parking) does not contain parking requirements for parks or recreational facilities. Otherwise, the structure must comply with setbacks and height restrictions of the zone.
- H. This report and decision address only the proposed subdivision layout. Development of individual lots requires building permits and compliance with the applicable height, setback, and other development standards of the MH-3 zone and Ordinance 95-4. The City reviews these permits administratively and does not require a separate land use action. Finally, due to the townhouse design with a shared wall, the contractor must construct both units simultaneously.

IV. SUMMARY COMMENTS

- A. The City received several comments from area property owners regarding the application with those comments aggregated in Section II.C., above. While the report addressed some of the concerns, not all the development standards could address all the issues raised. The following summarizes the City's response to area property owner concerns. In some instances, the responses will reference a previous Section in the report.

1. Traffic Volume and Roadway Capacity
 - Additional traffic on Highlands Drive and Classic Street.
 - Existing narrow streets and pedestrian conflicts.
 - Cumulative traffic from Highlands' development and other development.
 - Whether Classic Street can safely accommodate projected traffic.

RESPONSE: Neither Ordinance 95-5, nor Ordinance 95-4, which addresses zoning and allowed uses, require a traffic impact analysis as part of a land division or development application. The recently adopted Transportation System Plan (TSP) classifies Highland and Meadows as local streets. The Plan did not identify specific conflicts with these two streets, and area street connections, requiring mitigation. The only street in this area subject to improvement is Classic Street with an improvement that includes a shared bicycle/pedestrian separate from the street. Otherwise, per the TSP provisions, on a local designated street, bicycles and vehicles share the same roadway.

2. Primary Vehicle Access from Meadows Drive.

RESPONSE: Section III.E.2., above addresses the Meadow Drive access. Again, a shared access connects the driveways thereby avoiding direct access to Meadows and associated backing maneuvers onto the street. On balance, the revision improves transportation safety.

3. Parking Along Highlands Drive and Surrounding Streets

- Visitor parking along Highlands Drive, Classic Street, or Meadows Drive.
- On-street parking narrowing travel lanes.
- Emergency vehicle access.
- Adequate parking for residents, visitors, deliveries, and service vehicles.

RESPONSE: As noted in item #1., above, these are local streets. Like other local streets, these provide on-street parking for residents and visitors and are available for use by delivery and service vehicles. Comments provided by Nehalem Bay Fire and Rescue and City Public Works did not identify any access issues – emergency or otherwise – that required mitigation. The Fire district specially noted the shared access meets applicable requirements.

4. Pedestrian and Bicycle Safety

RESPONSE: Again, as noted in item #1., above, these are local streets and designed to serve vehicles, pedestrians, and bicycles alike. The City TSP did not identify any specific issues or improvements required for this area.

5. Emergency Vehicle Access

RESPONSE: As noted in item #3., above, and Section III.E.2., Fire and Rescue found no issue with emergency access.

6. Classic Street Design and Adequacy

- Classic Street width and pedestrian facility.
- Whether the recent reconstruction complies with current standards.
- Whether lots should take driveway access from Classic Street.
- Additional right-of-way or frontage improvements.

RESPONSE: The City recently completed the Classic Street improvements in line with the TSP. No lots in this project will access Classic Street and the City Department of Public Works did not require additional right-of-way dedication for Highlands and Meadows. City Public Works will determine required improvements to Highlands and Meadows during the review of the civil engineering plans. Finally, the shared access serving the driveways is not a classified local street.

7. Driveway Access to Classic Street and Future Lot 26 Access

RESPONSE: As noted in item #6., above, the development does not access Classic Street. The City will address the issue of access to Classic Street from Lot

26 if it is part of a future development. Again, currently, Classic does not provide access to the proposed development.

8. Wildlife Habitat, Elk Movement, and Wildlife Corridor

RESPONSE: The Comprehensive Plan establishes the goals and policies for the community which are in turn implemented by the various Ordinances. The Goal 5 Natural and Cultural Resources element of the Plan noted the following:

“In summary, the habitat of the Manzanita area is characterized as a shore pine/spruce ecotype or system, with nongame animals, such as songbirds, predominating along with raccoons and other small mammals, with occasional game animals, such as deer or elk. As an urbanizing area, the City is considered low in biological productivity. The sand dune areas are basically transition zones from the ocean or estuary to the upland areas. Both the ocean and estuary are high in biological activity; the latter being generally considered the highest among habitat types.”

Further, on addressing the issue of allowing development on identified beach and dunes areas, the Plan under Goal 18 notes in part:

“The characteristics of the dune system at Manzanita are similar to those in the other exception areas. The Manzanita area does not contain significant environmental features such as unique or critical wildlife habitats or wetland resources. The economic, social, and energy consequences of development on the lots for which an exception is being taken in Manzanita are similar to those in any developed area designated for residential use where a range of public facilities and services are available.”

On balance, the Plan recognizes the community contains wildlife within its boundaries. However, while existing, it is not significant nor identified in the Plan (nor implementing Ordinances) as requiring specific protection.

9. Open Space and Preservation of Natural Vegetation

RESPONSE: The subdivision provisions do not require an open space set aside. However, each phase of the project includes common areas preserved as open space and maintained by the homeowners' association. The developer expects these areas will contain natural vegetation.

10. Grading, Slope Stability, Retaining Walls, and Erosion Control

RESPONSE: Construction on slopes, including the construction of retaining walls, requires appropriate engineering and certification by a professional engineer. The City reviews this matter during the submittal of civil engineering plans, and the

submittal of a building permit for the individual structures. In addition, state law requires, enforced through the Department of Environmental Quality (DEQ), a developer to obtain an erosion control permit for any development. The permit requires development of an erosion control plan to ensure eroded material remains on the property and does not enter the storm drainage system.

Development will not, nor cannot, occur in a vacuum. Regulations require the submittal, review, and approval of engineering plans before construction can occur. Those plans address grading on the site, erosion control, and any engineering improvements necessary to ensure a safe and serviceable project.

11. Buildability and Detailed Engineering

RESPONSE: As per #10., above, the City requires the submittal, review, and approval of engineering plans prior to construction. Further, inspections occur throughout the development to ensure compliance with approved plans.

12. Water, Sewer, Stormwater, and Infrastructure Capacity

RESPONSE: As per Section III.B.2., affected agencies did not identify any capacity issues regarding the development.

13. Construction Noise, Duration, Garbage, Portable Toilets, and Neighborhood Disruption

RESPONSE: The subdivision review criteria do not address these issues. It is also certainly clear, as with any similar development in the City, that there will be construction noise during the project. However, Ordinance 79-6 (General Nuisances) includes regulations that may be able to address some of the above concerns.

14. Density, Cumulative Growth, Neighborhood Character, and Visual Impacts

RESPONSE: The project is well below the density potential as noted in Section III.B.1., above.

The adopted Ordinances limit what the City can consider when examining a residential development. The residential zones permit townhouses and the subdivision of property. When it comes to residential development, state law is clear in that decisions must be based on clear and objective standards (ORS 197A.400). The intent of the state regulations is to remove roadblocks for the development of needed housing. Issues, such as character and visual impacts, are subjective matters the City cannot consider when assessing a project.

15. Easements, Setbacks, Landscaping, and the Highlands HOA Irrigation Line

RESPONSE: The Ordinance requires the final subdivision plat to include any easements, along with appropriate dedication, and open space areas subject to homeowners' association maintenance.

Landscaping *per se* is not a requirement for single family homes, however, it will likely be installed as part of erosion control and residential aesthetics. Finally, any connection, or uses of the Highlands HOA irrigation line is a private contractual matter and not subject to subdivision regulations. The key issue for the subdivision is availability of public services and that requirement was met.

16. Public Notice Adequacy

RESPONSE: As noted in Section III.A., above, City staff reviews this application. The Planning Commission does not review the proposal unless appealed. The Ordinance notice area is 300 feet from the boundaries of the subject property. This is an increase from the old Ordinance which limited notice to 250-feet from the property boundary.

17. Prior Grading or Vegetation Removal Without Permits and City/Developer Relationship

RESPONSE: As noted in item #10., above, the City requires civil engineering plans to address such issues, and the developer must obtain an erosion control permit from DEQ. The City continuously monitors the project to ensure improvements comply with the approved engineering plans. This also applies to any building permits.

- B. It is important to note that the City's evaluation is not intended to diminish the public's concerns. The project brings change and will certainly impact the neighborhood in some manner. What is before the City is the question of whether the proposal complies with adopted regulations. The zone allows a townhouse subdivision, the lots comply (or will comply) with the area requirements, and the public services are available. On balance, therefore, the proposal complies with the applicable City regulations.

V. DECISION AND CONDITIONS OF APPROVAL

Based on the above findings, City staff finds the proposal complies with the applicable Subdivision criteria and hereby APPROVES the application subject to the following Conditions of Approval:

- A. Unless modified, the subdivision shall substantially conform to the submitted layout as part of this application, including provisions the shared access driveway, open space, and public facility improvements. The layout shall be limited to a maximum of 24 townhome lots and comply with the minimum lot size standards, including required adjustments to account for slope.

- B. The developer shall have the option of recording the project in three phases as identified in the application. The developer shall record the first phase within two years of the final decision, and the final phase within 10 years of the final decision.
- C. Prior to construction, the applicant shall:
1. Submit an engineering plan for the entire development to the Manzanita Department of Public Works for review and approval. The engineering plan shall include information concerning water, storm water, street improvements, easements, and other information necessary to indicate conformance with City standards.
 2. Submit sanitary sewer engineering plans to the Nehalem Bay Wastewater Agency for review and approval.
 3. These plans may be reviewed simultaneously but construction shall not proceed until respective agencies approve the engineering plans.
- D. After receiving approved engineering plans, and prior to recording of the final plat, the developer shall complete the following:
1. Install public and private services within the subdivision as well as any required off-site improvements. All improvements shall comply with the standards and requirements of the City of Manzanita and the Nehalem Bay Wastewater Agency.
 2. The applicant shall have the option of installing facility improvements in phases provided the City approves engineering plans for the entire project. Facility improvements shall be in place, and functioning, for each phase and so located or improved as to allow continuation into the subsequent phase(s).
 3. Enter into agreement and/or bonding measures with the City of Manzanita per applicable provisions in Ordinance 95-5, Section 6.030.
 4. Submit copies of the homeowners' association and all applicable easement agreements (e.g., shared driveways) to the Manzanita City Attorney. Recording of the final plat shall require prior City approval of the documents.
- E. Upon completion of public facility improvements, a final plat, complying with provisions in ORS Chapter 92, shall be completed by a registered land surveyor and recorded within two years of the final decision. The final plat shall conform to the proposed layout. City review and recording of the final plat shall be subject to applicable provisions in Manzanita Ordinance 95-5. Association formation and easement documents approved by the City Attorney shall be recorded concurrently with the final plat and placed with the deed records of each lot. Recording the last phase shall occur within 10 years of the final date of approval.

- F. Construction of the town homes and community center shall require building permit approval and compliance with the applicable design standards of Ordinance 95-4.
- G. Compliance with the Conditions of Approval, applicable provisions of Ordinances 95-4 and 95-5, and applicable agency engineering design and construction requirements, shall be the sole responsibility of the applicant.

VI. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Manzanita land use and review and approval process does not take the place of or relieve the Applicant of responsibility for acquiring such other permits or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

VII. APPEALS

This Administrative action will be official in 14 days, unless appealed to the Manzanita City Planning Commission.

APPEAL MUST BE SUBMITTED AT THE MANZANITA CITY HALL, 655 MANZANITA AVENUE, MANZANITA, OREGON 97130 BY:

5:00 PM ON September 18, 2026.

Should you have any questions or comments regarding this project, please contact City Hall for further information.

Respectfully,

Scott Fregonese



Contract City Planner
3J Consulting