



Oregon

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October 7, 2026

City of Manzanita
Attention City Council
PO Box 129
Manzanita OR 97130
SENT BY EMAIL



RE: Manzanita PAPA 003-26 (Local case file ORD 26-04)

City of Manzanita City Councilors and City Staff,

I am writing to provide testimony for the October 7, 2026 City Council meeting which the Department of Land Conservation and Development (DLCD) wishes to be entered into the record. This testimony is regarding the proposed Manzanita Comprehensive Plan update PAPA 003-26 (Local Casefile ORD 26-04). These comments (included below) address compliance with the Oregon Land Use Planning Goals, as well as policies, and may also include recommendations for items to be included in the Plan.

These comments are a follow-up from the comments provided to the Manzanita Planning Commission and are provided in response to the most updated comprehensive plan draft. DLCD would note that there are comments below which indicate where there is a need for revision needed to be consistent with Oregon Land Use Planning Goals. There are also recommendations for the City to take into consideration. The Department of Land Conservation and Development appreciates working with Manzanita staff, Planning Commission, City Council and the consultants on these updates. The Department is hopeful that the remaining comments will be addressed in an updated draft to be considered at a subsequent City Council meeting.

Regards,

Brett Estes
North Coast Regional Representative

DLCD Comments related to Oregon Land Use Goals 5 and 6

Amanda Punton, Natural Resource Specialist

Goal 5 and 6 comments on September 30th draft needed changes for Goal compliance:

Background information vs. Goal 5 inventories

Manzanita has not adopted local inventories of riparian areas, wetlands, and wildlife habitat consistent with OAR 660-023 rules. If the city adopted inventories under OAR 660-016 or prior to DLCD adopting rules for implementing Goal 5, it is not apparent in the comprehensive plan available on the city's website. Map 2: *Natural and Cultural Resources Map* includes Goal 5 category resources. The plan needs to clearly explain that this map contributes to background information, and is not to be confused with a Goal 5 inventory of riparian and wetland areas.

Clarity needed regarding wetland protection

From page 41 of revised plan,

The City regulates development near wetlands through the Wetland Notification Overlay Zone. Section 3.090 of the zoning ordinance establishes procedures to ensure compliance with permitting requirements of the Oregon Department of State Lands and the U.S. Army Corps of Engineers. Section 3.091 defines the boundaries of the overlay zone.

The city uses its *Wetland Notification Overlay Zone* to meet its statutory obligation to notify Department of State Lands when the city receives a permit application for development that could impact a wetland. The sending of a Wetland Land Use Notice is not a local regulation and does not provide local protection for wetlands. The narrative in the comp plan should be changed to remove an assertion that Manzanita has local protections for wetlands that are not within the coastal shoreland boundary. (Note OAR 660-023-0240(2) exempts natural resources that are locally regulated under one of the coastal goals from the application of Goal 5.)

The city's zoning ordinance references a Comprehensive Plan Map, "Wetland Areas of Manzanita. A map dated September 2026 with the same title is included in the revised comp plan. The map states that the Statewide Wetlands Inventory (SWI) as a source of the data. The current SWI is the correct source of information to inform local wetland land use notices. One minor correction recommended is to change "Hydric Soils" in the map legend to "Predominantly Hydric Soils, which is the name of the data layer in the SWI.

The revised comp plan should also make it clear that this map is not a local wetlands inventory.

Clarity needed regarding historic resources

From page 42 of revised plan,

Scenic and Historic Resources

Three historic structures within Manzanita were previously identified as significant cultural resources and listed as eligible for historic preservation by The Oregon Historic Sites Database.

If the city identified these structures as significant and they are recognized as Goal 5 resource sites, the comp plan should state this. However, I did not find local historic protection criteria in the ordinances listed on the city's web site, so it is likely that these sites are not recognized as local Goal 5 significant sites. OAR 660-023-0200(8) explains that local governments must protect sites listed on the National Register of Historic Places. "Listed as eligible for historic preservation by The Oregon Historic Sites Database" is ambiguous. The comp plan should speak to the OAR 660-023-0200(8) and list the sites that are listed in the National Register.

Section 3.090 Wetlands Notification Overlay Zone.

The purpose of the Wetland Notification Overlay Zone is to establish a procedure that ensures that the permitting requirements of the Division of State Lands and the U.S. Army Corps of Engineers are met in the wetlands area of the City and its Urban Growth Area.

Section 3.091 Zone Boundaries.

The boundaries of the Wetland Notification Overlay Zone shall conform to areas so designated in the **Comprehensive Plan Map entitled "Wetland Areas of Manzanita"**.
Section 3.092 General Provisions.

1. No person shall do any site preparation work in the Wetland Notification Overlay Zone ("the zone") without first notifying the City of the proposed action. Site preparation work is defined as any grading, filling, drainage, excavation or vegetation removal on the subject property.
2. The required notification shall take the form of a description of the activity, the location of the property, and a sketch or map of the site.
3. Upon notification, the City shall inform the applicant that the subject property and proposed activity may be subject to the jurisdiction of the Division of State Lands and/or the U.S. Army Corps of Engineers. The applicant shall contact the Division of State Lands and the U.S. Army Corps of Engineers and seek a determination of whether the subject property and proposed site preparation activities are subject to their jurisdiction.
4. Where property is located in the unincorporated Urban Growth Area, the applicant shall be directed to contact the Tillamook County Community Development Department. If the U.S. Army Corps of Engineers and/or Division of State Lands determine that they do not have jurisdiction, the applicant may begin site preparation work upon presenting the City with a written confirmation of such a determination, subject to other applicable City requirements. [Sections 3.090 to 3.092 added by Ord. 95-4, passed March 6, 1996].

DLCD Comments related to Oregon Land Use Goals 7, 16, 17, 18

Meg Reed, Senior Coastal Policy Specialist

Rhiannon Bezore, Coastal Shores Specialist

Prior Coastal Goal comments have generally been addressed but there are a few outstanding issues that still need to be more fully addressed. That is related to the inventories/factual basis of the plan. The City

has included a “Works Referenced” page at the end of the comp plan which is great. The City included some references to reports or data within various narrative sections. However, the City did not adequately cite/reference the data within their maps. They need to be very clear about where the data is coming from in order to be able to reference it again, know when it might need to be updated, to implement the information, and so future users of the plan know where to go for this information.

Also, Manzanita does not include their goal exceptions anywhere that I see. They do include a map, which indicates areas subject to a goal 18 exception on pg. 126. Where is the justification for those exceptions?

All goal exceptions (for any goal) must be included within the comprehensive plan or in the supporting documents for any exceptions that the city wants to keep active. Approved goal exceptions are required to be part of the jurisdiction’s comprehensive plan, including the documentation used to support the approval of the exception. Unsure if this has been addressed for the updated comprehensive plan.

OAR 660-004-0000(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions.

The documentation for an exception must be set forth in a local government’s comprehensive plan.

Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons that explains why the proposed use not allowed by the applicable goal, or a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use, should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.

Included below are the maps where the City needs to include additional detail about where the data is coming from (e.g., report title, author, year published, website to download or view the information, etc.).

- Pg. 125 – Beaches & Dunes
 - Here is an example of a citation for the data that is within this map: **Open-File Report O-20-04, Temporal and spatial changes in coastal morphology, Tillamook County, Oregon**, by Jonathan C. Allan. 2020; 27 p. report, geodatabase, metadata.
<https://pubs.oregon.gov/dogami/ofr/p-O-20-04.htm>.
- Pgs. 59-60 – Flood Hazard, Coastal Erosion, Landslide, Wildfire, Tsunami, and Earthquake
 - These all have reports or publications associated with the data that should be referenced somewhere.
 - I will also note that in the narrative of Chapter 7 (pg. 58), they reference a 2012 National Research Council for sea level rise risk. (This is a new addition they added based on planning commission comments). There is much more recent data for sea level rise than 2012. The definitive publication we use is from 2022:
<https://earth.gov/sealevel/us/resources/2022-sea-level-rise-technical-report/>. They only

mention this hazard briefly, but I did want to flag that there is more recent information for Oregon.

Goals 7 and 18

Necessary Changes:

- The document jumps from Goal 2 (ends on pg37) to Goal 5 (starts on pg46), with no Goals 4 or 5, so there needs to be renumbering of the subsequent sections after Goal 2.

Recommended Changes:

- Policy 18.1.3 (pg127)- Recommend including regular reviews of the dune management plan once it is updated. Conversations with DOGAMI and OPRD have led to a suggested periodic review period of 5-10 years to make sure that on-the-ground conditions match what is described and the proposed grading activities are still allowable under the plan.