



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 28, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Manzanita Plan Amendment
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 13, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Jerold P. Taylor, City of Manzanita

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FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

SEP 25 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Manzanita Local File No.: Ordinance 06-01D (If no number, use none)

Date of Adoption: 9/18/06 (Must be filled in) Date Mailed: 9/21/06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4/27/06

- XX Comprehensive Plan Text Amendment
XX Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Amends Comprehensive Plan to clarify process for review and update of Plan; amends Zoning Ordinance to clarify allowable building size in R-3 and R-4 zones; changes personal and business service establishments to outright allowed uses in commercial zone; adds SR-R zone to residential area where short term rentals are limited; clarifies regulations for nonconforming structures.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A." Only minor editorial corrections made

Plan Map Changed from: to
Zone Map Changed from: to
Location: Urban Growth Boundary Acres Involved:
Specify Density: Previous: New:
Applicable Statewide Planning Goals:
Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-06 (15189)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Jerald P. Taylor Area Code + Phone Number: 503-368-5343

Address: City of Manzanita, P.O. Box 129

City: Manzanita Zip Code+4: 97130-0129

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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Material to be added is underlined.

ORDINANCE NO. 06-03

AN ORDINANCE AMENDING INTRODUCTION TO THE CITY OF MANZANITA COMPREHENSIVE PLAN; AND AMENDING SECTIONS 3.020, 3.025, 3.040, 6.030, AND 7.040 OF CITY OF MANZANITA ORDINANCE 95-4 RELATING TO ZONING AND DEVELOPMENT STANDARDS

WHEREAS, written notice of the proposed amendments was mailed to all property owners within the Manzanita Urban Growth Boundary as required by State Ballot Measure 56 codified in ORS Chapter 227; and,

WHEREAS, the Planning Commission conducted a public hearing on June 12, 2006 and received public testimony on the proposed changes; and,

WHEREAS, the Planning Commission has recommended modifying the Introduction section of the City of Manzanita Comprehensive Plan and adoption of several amendments, deletions and additions to Zoning Ordinance 95-4; and,

WHEREAS, the City Council conducted a public hearing on August 23, 2006 and received public testimony on the proposed changes; and,

WHEREAS, the City Council has adopted findings and conclusions which support the following changes to the Comprehensive Plan and the Zoning Ordinance; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Introduction on page 1 of the City of Manzanita Comprehensive Plan is hereby amended to read as follows:

“INTRODUCTION

The Comprehensive Plan is the most important land use document of the City of Manzanita. Its purpose is to establish goals, objectives and policies for the future of the community. The Comprehensive Plan has the force of law. It is intended to guide development in a way that is in keeping with the desires of the majority of the citizens and property owners in the City and Urban Growth Area.

Citizens, members of the Planning Commission and City Staff participated in the preparation of this plan. Through sound planning, the goal is to achieve conditions for living and recreation which will be of greatest value to residents of the City, both permanent and temporary.

The plan is not static. This document is the update of the original plan which was prepared in 1975, and revised in 1986, 1987, and 1990, and 1995. ~~The plan and~~ must be kept up to date to deal with current conditions. In order to insure this, the plan and its implementing ordinances such as zoning and subdivision regulations must be revised

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~~periodically in accordance with Land Conservation and Development Commission (LCDC) periodic review rules, approximately every five to seven years. The City reviews zoning and subdivision regulations annually, and often uses language provided in the Model Development Code for Small Cities. ORS 197.629 exempts a city with a population of less than 2,500 within its Urban Growth Boundary from a mandatory periodic review process.~~

The Comprehensive Plan was prepared under a grant from the Oregon Land Conservation and Development Commission, and is intended to conform with the requirements of the statewide planning goals and guidelines. The planning horizon for this document is the year 2010.”

SECTION 2. Section 3.020 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

“Section 3.020 High Density Residential Zone, R-3. In an R-3 zone, the following regulations shall apply:

(1) Uses Permitted Outright. In an R-3 zone, the following uses and their accessory uses are permitted outright:

- (a) One-family dwelling.
- (b) Two-family dwelling.
- (c) Multi-family dwelling of no more than three (3) dwelling units.
- (d) Home occupation.
- (e) Park and publicly owned recreation area.
- (f) Utility lines necessary for public services.
- (g) A recreational vehicle used during the construction of a permitted use for which a building permit has been issued for a period of 6 months, with one extension of 6 months if required
- (h) Signs subject to the provisions of Article 4, Section 4.070.
- (i) Residential home, residential facility or adult foster home.
- (j) Short term rentals subject to the restrictions of Section 6.030. [Amended by Ord. 94-3, passed April 20, 1994.]

(2) (no changes)

(3) (no changes)”

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SECTION 3. Section 3.025 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

“Section 3.025 High Density Residential/Limited Commercial Zone, R-4. In an R-4 zone the following regulations shall apply:

- (1) Uses Permitted Outright: In an R-4 zone the following uses and their accessory uses are permitted outright:
 - (a) One-family dwelling.
 - (b) Two-family dwelling.
 - (c) Multi-family dwelling of no more than four (4) dwelling units.
 - (d) Home occupation.
 - (e) Park and publicly owned recreation area.
 - (f) Utility lines necessary for public service.
 - (g) A recreational vehicle may be used during the construction of a permitted use for which a building permit has been issued for a period of 6 months with one extension of an additional 6 months if requested.
 - (h) Signs subject to the provisions of Article, Section 4.070.
 - (i) Residential home, residential facility and adult foster home.
 - (j) Short term rentals subject to the restriction of Section 6.030. [Amended by Ord. 94-3, passed April 20, 1994.]
- (2) (no changes)
- (3) (no changes)”

SECTION 4. Section 3.040 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

“Section 3.040 Commercial Zone, C-1.

- (1) Uses Permitted Outright. In the C-1 zone the following uses and their accessory uses are permitted outright:
 - (a) A use permitted in the R-2, R-3 and R-4 zones.

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- (b) Retail trade establishment (other than an auto wrecking yard or outdoor storage of scrap material).
 - (c) Repair and maintenance service excluding gasoline stations, garages or other such large facilities.
 - (d) Business office.
 - (e) Restaurants or lounges.
 - (f) Financial institutions.
 - (g) Health facilities.
 - (h) Government structure or facility such as a fire station.
 - (i) Motels, hotels including eating and drinking establishments in conjunction therewith.
 - (j) Airport and accessory uses.
 - (k) Signs in accordance with Article 4, Section 4.070.
 - (l) Parking lot.
 - (m) Mixed use development [Added by Ord.03-06 passed July 9, 2003].
 - ~~(n) Personal or business service establishments.~~
- (2) Conditional Uses Permitted. In the C-1 zone, the following conditional uses are permitted subject to the provisions of Article 5:
- (a) Cottage industries such as crafts manufacturing, woodworking shops, and similar activities which are small scale and low impact in terms of vehicle traffic generation, noise and pollutants.
 - ~~(b) Personal or business service establishments.~~
 - (eb) Wholesale trade establishments.
 - (ec) Garages, mini-storage and gasoline stations located adjacent to U.S. Highway 101 and south of Laneda. [Amended by Ord. 95-4, passed March 6, 1996].
 - (ed) Recreation facilities.
 - (fe) Drive-in restaurants or walkup, fast food operations.

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(3) (no changes)”

SECTION 5. Section 6.030 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

“Section 6.030 General Provisions Regarding Accessory Use. An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

1. (no changes)
2. (no changes)
3. Short Term Rental. A short term rental operated according to the following standards and procedures:
 - a) ~~The percentage cap on short term rentals in the R-2 and R-3 zones is based on the number of registered short term rentals as of January 5, 1994 in the relation to the number of total dwelling units within the R-2 and R-3 zones. The percentage cap shall be 17.5%.~~
 - a) A cap shall be placed on short term rentals in the R-2, R-3 and the SR-R zones. This cap shall be 17.5% of the dwelling units within these zones. This percentage cap is based on the ratio of registered short term rentals to the total number of dwelling units in the R-2 and R-3 zones as of January 5, 1994, the date this cap was initially established for the R-2 and R-3 zones.
 - b) Any person property owner who is proposing proposes to operate a short term rental shall make application to the City upon suitable forms furnished by the City. Applications for a short term rental permit shall list all of the property owners of record. Property ownership, for purposes of this Section shall consist of those individuals who are listed on the Tillamook County Assessor's tax records. The application shall be signed by all persons shown as owners of the property by the most recent Tillamook County Assessor's tax records. A property owner shall have only one short term rental permit. Where a property owner held more than one permit prior to January 5, 1994, those permits shall remain valid until sale or conveyance of the property. Where a property owner within the SR-R zone held a permit prior to September 18, 2006 that permit shall remain valid until sale or conveyance of the property, and that property shall not be included in the calculation of the percentage cap on short term rentals under subsection (a) of this section until such time as the permit is no longer valid.

The short term rental permit is issued to the owner and does not transfer with the sale or conveyance of the property. At the time of initial application, the dwelling unit shall be subject to inspection by the Building Official or his designee. The

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purpose of the inspection is to determine the conformance of the dwelling with the requirements of the ~~Uniform Building Code~~ State of Oregon Residential Specialty Code. Smoke detectors are required and must be operable.”

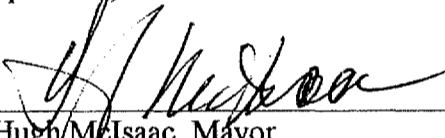
SECTION 6. Section 7.040 of City of Manzanita Ordinance 95-4 is hereby amended to read as follows:

“**Section 7.040 Change of a Nonconforming Structure.** A structure conforming as to use but nonconforming as to height, yard requirements, ~~or lot coverage, equipment, its location on the lot or other requirements concerning the structure~~ may be altered or ~~extended- enlarged~~ provided the alteration or ~~extension~~ enlargement ~~does not exceed the area, height or coverage requirements~~ conforms to the current requirements of this Ordinance. Should such structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Ordinance.”

PASSED FIRST READING by the Council this 6th day of September, 2006.

PASSED SECOND READING by the Council this 18th day of September, 2006.

APPROVED by the Mayor this 18th day of September, 2006.

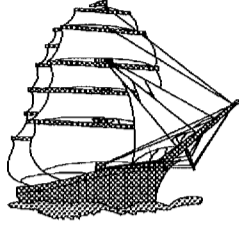


Hugh McIsaac, Mayor

ATTEST:



Jerald P. Taylor, City Manager/Recorder



City of Manzanita

Jerald P. Taylor, City Manager
543 Laneda Avenue, P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 Fax (503) 368-4145 TTY Dial 711

DEPT OF

SEP 25 2006

**LAND CONSERVATION
AND DEVELOPMENT**

September 21, 2006

Department of Land Conservation and Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: Notice of Adoption

To Whom It May Concern:

Enclosed is the required notice and two copies each of City Ordinance #06-03 (formerly #06-01D) and City Ordinance #06-04 (formerly #06-02D).

Please let me know if you need additional material.

Thanks for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerald P. Taylor". The signature is written in a cursive style.

Jerald P. Taylor
City Manager

cc: Laren Woolley